

FEB 18 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OSCAR TORRES BERUMEN,

Petitioner,

v.

**ERIC H. HOLDER, JR., Attorney
General,**

Respondent.

No. 06-71890

Agency No. A98-448-381

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 16, 2009**
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **TROTT** and **FISHER**, Circuit Judges.

Because petitioner hasn't shown good cause for his "failure to inquire as to the status of his" court date, he can't demonstrate "reasonable cause"—let alone "exceptional circumstances"—in support of his motion to reopen.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Hernandez-Vivas v. I.N.S., 23 F.3d 1557, 1560 (9th Cir. 1994); Valencia-Fragoso v. I.N.S., 321 F.3d 1204, 1205–06 (9th Cir. 2003). Under either standard, the BIA did not abuse its discretion in denying petitioner’s motion. See Hernandez-Vivas, 23 F.3d at 1560.

DENIED.