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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PETER ANTHONY CRUZ DE LEOZ,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 06-73912

Agency No. A078-673-134

MEMORANDUM*

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

Submitted February 18, 2009**

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Peter Anthony Cruz De Leoz, a native and citizen of the Philippines,
petitions for review of the Board of Immigration Appeals' ("BIA") order denying
his second motion to reopen removal proceedings in which Cruz De Leoz sought to

* 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).

apply for asylum, following the underlying denial of his application for cancellation of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Perez v. Mukasey*, 516 F.3d 770, 773 (9th Cir. 2008), and we deny the petition.

The BIA did not abuse its discretion in denying Cruz De Leoz's second motion to reopen as numerically barred, *see* 8 C.F.R. § 1003.2(c)(2), because Cruz De Leoz failed to present sufficient evidence of changed circumstances in the Philippines to qualify him for the regulatory exception to the numerical bar for filing motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *He v. Gonzales*, 501 F.3d 1128, 1132 (9th Cir. 2007) (holding that a change in personal circumstances is not sufficient to establish changed circumstances for the purpose of 8 C.F.R. § 1003.2(c)(3)(ii)).

PETITION FOR REVIEW DENIED.