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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE DE JESUS RAMIREZ-RAMIREZ, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 08-73894 Agency No. A079-520-743 MEMORANDUM[*]

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

Submitted February 23, 2009[**]

Before: KOZINSKI, Chief Judge, HAWKINS and GOULD, Circuit Judges.

Petitioner's motion to accept late filing of his response to the court's September 18, 2008 order to show cause is granted.

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[*] 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).

KB/MOATT

This is a petition for review from the Board of Immigration Appeals' ("BIA") denial of a motion to reopen immigration proceedings. We review the BIA's denial of a motion to reopen for abuse of discretion. *See Perez v. Mukasey*, 516 F.3d 770, 773 (9th Cir. 2008).

Petitioner's claim for protection under the Convention Against Torture ("CAT") failed to present evidence of changed country conditions in Mexico that is particular to petitioner and his circumstances. *See* 8 C.F.R. § 1003.2(c)(3)(ii). Because petitioner has failed to meet his burden of establishing a prima facie CAT claim to support reopening, the BIA did not abuse its discretion in denying the motion.

Accordingly, the court sua sponte summarily denies in part this petition for review because the questions raised by this petition are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam).

Further, we have reviewed the response to the court's September 18, 2008 order to show cause, and we conclude that petitioner has failed to raise a colorable constitutional or legal claim to invoke our jurisdiction over this petition for review. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926 (9th Cir. 2005); *Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001). Accordingly, the court dismisses in part

this petition for review for lack of jurisdiction. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Fernandez v. Gonzales*, 439 F.3d 592, 601 (9th Cir. 2006) (concluding that the court lacks jurisdiction to review the BIA's denial of motion to reopen for failure to establish a prima facie case if a prior adverse discretionary decision was made by the agency).

The temporary stay of removal confirmed by Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

All other pending motions are denied as moot.

PETITION FOR REVIEW DENIED in part; **DISMISSED in part.**