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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MIGUEL PINA-GOMEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-72136

Agency No. A097-864-630

MEMORANDUM\*

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

Submitted June 16, 2009\*\*1

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Miguel Pina-Gomez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' denial of his motion to reopen removal proceedings, arising from the underlying denial of his application for

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

<sup>1</sup> \*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

cancellation of removal based on his failure to establish the requisite hardship to his United States citizen daughter.

Petitioner contends that the BIA erred in denying his motion to reopen because he has new evidence that conditions in Mexico have worsened, and this would constitute exceptional and extremely unusual hardship to his United States child.

We review the denial of a motion to reopen for abuse of discretion, and we will reverse only if the agency's decision was "arbitrary, irrational, or contrary to law." *Valeriano v. Gonzales*, 474 F.3d 669, 672 (9th Cir. 2007). The BIA did not abuse its discretion by denying petitioner's motion to reopen, because the petitioner did not present any previously unavailable, new evidence of hardship. *See* 8 C.F.R. § 1003.2(c); *Romero-Ruiz v. Mukasey*, 538 F.3d 1057, 1063 (9th Cir. 2008).

**PETITION FOR REVIEW DENIED.**