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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DELMI NYNET HERNANDEZ-
GONZALEZ,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-71854

Agency No. A027-216-333

MEMORANDUM*

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

Submitted June 16, 2009**

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

Delmi Nynet Hernandez-Gonzalez, a native and citizen of Guatemala,
petitions for review of the Board of Immigration Appeals' ("BIA") order
summarily affirming an immigration judge's decision denying her motion 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).

reopen her removal proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002), we deny the petition for review.

The agency did not abuse its discretion in denying Hernandez-Gonzalez's motion to reopen because she failed to show that her reliance on statements made by her attorney's assistant amounted to exceptional circumstances under 8 U.S.C. § 1229a(e)(1) (defining exceptional circumstances as "circumstances beyond the control of the alien"); *see also Singh*, 295 F.3d at 1040 ("This court must look to the 'particularized facts presented in each case' in determining whether the petitioner has established exceptional circumstances.").

Hernandez-Gonzalez's contention that the BIA abused its discretion by streamlining her case is foreclosed by *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 854 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.