

AUG 13 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>NABIL MAISARI,</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. 06-71543

Agency No. A070-915-988

MEMORANDUM\*

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

Submitted August 11, 2009\*\*

Before: KLEINFELD, M. SMITH, and IKUTA, Circuit Judges.

Nabil Maisari, a native and citizen of Yemen, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen as untimely. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for abuse of

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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).

discretion, *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004), *amended by* 404 F.3d 1105 (9th Cir. 2005), we deny the petition for review.

The BIA did not abuse its discretion in denying Maisari's motion to reopen as untimely where he filed the motion nineteen months after a final decision was issued in his removal proceedings and did not meet any of the regulatory exceptions. *See* 8 U.S.C. § 1229a(c)(7)(C)(i); 8 C.F.R. § 1003.2(c)(2) (motion to reopen must be filed no later than 90 days after the final administrative decision date).

**PETITION FOR REVIEW DENIED.**