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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UMA DEO; VEENA KUMARI DEO; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 07-71825

Agency Nos. A076-851-473
A076-851-474
A076-851-475
A076-851-476

MEMORANDUM *

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

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Uma Deo, his wife Veena Kumari Deo, and their two children, natives and citizens of Fiji, petition for review of the Board of Immigration Appeals’ (“BIA”) order denying Deo’s motion to reopen removal proceedings. We have jurisdiction

* 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).

pursuant to 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Ordonez v. INS*, 345 F.3d 777, 782 (9th Cir. 2003), and we deny the petition for review.

The BIA did not abuse its discretion in denying Deo's motion to reopen because Deo's motion was untimely, *see* 8 C.F.R. § 1003.2(c)(2), Deo failed to establish changed circumstances in Fiji to qualify for the regulatory exception to the time limit for filing motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Malty v. Ashcroft*, 381 F.3d 942, 945 (9th Cir. 2004) ("The critical question is . . . whether circumstances have changed sufficiently that a petitioner who previously did not have a legitimate claim for asylum now has a well-founded fear of future persecution."), and Deo did not demonstrate prima facie eligibility for asylum and withholding of removal, *see Ordonez* 345 F.3d at 785. We reject Deo's contention that the BIA abused its discretion by failing to discuss all the evidence submitted with the motion to reopen. *See Fernandez v. Gonzales*, 439 F.3d 592, 603-04 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.