

DEC 28 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JARNAIL SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
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No. 07-72956

Agency No. A029-462-617

MEMORANDUM*

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

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Jarnail Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his motion to reopen deportation proceedings conducted in

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

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

absentia. Reviewing for abuse of discretion, *Urbina-Osejo v. INS*, 124 F.3d 1314, 1316 (9th Cir. 1997), we deny in part and dismiss in part the petition for review.

The agency did not abuse its discretion in denying Singh's motion to reopen because Singh failed to demonstrate "reasonable cause" for failing to appear at the October 11, 1990, hearing. *See id.*

We lack jurisdiction to review Singh's contentions regarding the legal sufficiency of the notice of hearing and the obligation to advise the immigration court of any change of address, because Singh failed to raise those issues before the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

In light of our disposition, Singh's request for fees is denied.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.