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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICARDO TOPETE CURIEL,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-71639

Agency No. A091-107-546

MEMORANDUM\*

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

Submitted January 11, 2010\*\*

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Ricardo Topete Curiel, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") order denying his motion to reopen removal proceedings conducted

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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).

in absentia. We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Celis-Castellano v. Ashcroft*, 298 F.3d 888, 890 (9th Cir. 2002), we deny the petition for review.

The IJ did not abuse her discretion in denying Topete Curiel's motion to reopen because he did not meet his burden to establish that his panic attack constituted "exceptional circumstances" under 8 U.S.C. § 1229a(e)(1). *See id.* at 892 (agency properly denied motion to reopen supported only by alien's declaration that he suffered an asthma attack and hospital form that did not indicate severity of illness).

Petitioner's remaining contentions are not supported by the record.

**PETITION FOR REVIEW DENIED.**