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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

XIAO GUANG LIN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-70908

Agency No. A071-567-120

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Xiao Guang Lin, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's order denying his motion to reopen and rescind an exclusion order entered

* 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).

in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We deny the petition for review.

The agency did not abuse its discretion by denying Lin's motion to reopen, because the agency considered the evidence he submitted and acted within its broad discretion in determining that the evidence was insufficient to warrant reopening. *See* 8 C.F.R. § 1003.2(a); *see also Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (denial of a motion to reopen shall be reversed only if it is "arbitrary, irrational or contrary to law.").

PETITION FOR REVIEW DENIED.