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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA CAROLINA SOLIS-GONZALEZ,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 08-71666

Agency No. A078-663-825

MEMORANDUM*

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

Submitted July 19, 2010**

Before: B. FLETCHER, REINHARDT, and WARDLAW, Circuit Judges.

Maria Carolina Solis-Gonzalez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review, and remand.

* 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).

With her motion to reopen, Solis-Gonzalez submitted evidence that after her hearing, her U.S. citizen father moved in with her, had hernia surgery, and became suicidal. The BIA abused its discretion in determining that this previously unavailable material evidence was insufficient to warrant reopening. *See Fernandez v. Gonzales*, 439 F.3d 592, 601 (9th Cir. 2006); *Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002); *see also* 8 C.F.R. § 1003.2(c)(1).

PETITION FOR REVIEW GRANTED; REMANDED.