

SEP 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>AMRIK SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-73393

Agency No. A072-473-606

MEMORANDUM*

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

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Amrik Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen exclusion proceedings to apply for adjustment of status. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen.

* 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).

Mohammed v. Gonzales, 400 F.3d 785, 791 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying Singh's third motion to reopen as untimely and number-barred where the motion was filed almost two years after the final administrative order was entered in his case, *see* 8 C.F.R. § 1003.2(c)(2), and he failed to demonstrate that he was eligible for an exception to the regulatory limitations based on changed circumstances, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Najambadi v. Holder*, 597 F.3d 983, 991 (9th Cir. 2010)

Singh's remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED.