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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MANJIT KAUR,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 08-73395

Agency No. A078-650-912

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.

Manjit Kaur, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s order denying her motion to reopen removal proceedings held in absentia.

We have jurisdiction under 8 U.S.C. § 1252. Reviewing for abuse of discretion,

* 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).

Celis-Castellano v. Ashcroft, 298 F.3d 888, 890 (9th Cir. 2002), we grant the petition for review.

The agency abused its discretion when it concluded that Kaur did not show exceptional circumstances for her absence from her hearing because the medical documentation Kaur's attorney presented at the scheduled hearing indicated that Kaur was unable to attend the hearing due to her medical condition. *Cf. Celis-Castellano*, 298 F.3d at 890-92 (in which alien made no showing of the seriousness of his alleged asthma attack, did not notify the immigration court that he would be absent, and did not seek medical attention until two weeks after the date of the missed hearing).

PETITION FOR REVIEW GRANTED; REMANDED.