

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>THONGLA THEPMANIVONG,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 07-74827

Agency No. A029-267-822

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Thongla Thepmanivong, a native and citizen of Laos, petitions for review of the Board of Immigration Appeals (“BIA”) order denying his motion to reopen proceedings. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for abuse of

* 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).

discretion, *He v. Gonzales*, 501 F.3d 1128, 1130-31 (9th Cir. 2007), and we deny the petition for review.

The BIA did not abuse its discretion in denying Thepmanivong's motion to reopen as untimely because it was filed more than fourteen years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and Thepmanivong failed to establish grounds for equitable tolling, *see Iturribarria v. INS*, 321 F.3d 894, 897 (9th Cir. 2003), or to establish material changed country conditions in Laos, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Toufighi v. Mukasey*, 538 F.3d 988, 996-97 (9th Cir. 2008).

Thepmanivong's remaining contentions are not persuasive.

PETITION FOR REVIEW DENIED.