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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAVIER RAMIREZ-RIVERA,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 09-74104

Agency No. A096-027-236

MEMORANDUM\*

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

Submitted February 15, 2011\*\*

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Javier Ramirez-Rivera, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the

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\* 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).

denial of a motion to reopen, *Ghahremani v. Gonzales*, 498 F.3d 993, 997-98 (9th Cir. 2007), and we deny the petition for review.

The BIA did not abuse its discretion in denying Ramirez-Rivera's motion to reopen to apply for adjustment of status where he failed to demonstrate prima facie eligibility for the requested relief. *See Maly v. Ashcroft*, 381 F.3d 942, 947-48 (9th Cir. 2004) (alien demonstrates prima facie eligibility for relief countenancing reopening where the evidence reveals a reasonable likelihood that the statutory requirements for relief have been satisfied).

**PETITION FOR REVIEW DENIED.**