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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AVETIS BAGHRAMYAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72296

Agency No. A098-442-049

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.

Avetis Baghramyan, a native of Iran and citizen of Armenia, petitions for review of the Board of Immigration Appeals' order denying his motion to reopen proceedings. We have jurisdiction under 8 U.S.C. § 1252. We deny the petition for review.

* 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).

In his opening brief Baghramyan fails to address, and therefore has waived any challenge to, the BIA's determination that his motion to reopen was both time- and number-barred, and that he failed to establish the due diligence necessary for tolling of those bars. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues that are not raised and argued in a party's opening brief are waived); *Bazuaye v. INS*, 79 F.3d 118, 120 (9th Cir. 1996) ("Issues raised for the first time in the reply brief are waived.").

As the timeliness issue is dispositive, we need not reach Baghramyan's other contentions.

PETITION FOR REVIEW DENIED.