

MAR 28 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HILARIO TLASECA SILVA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-70906

Agency No. A099-736-275

MEMORANDUM*

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

Submitted March 8, 2011**

Before: FARRIS, O’SANNLAIN, and BYBEE, Circuit Judges.

Hilario Tlaseca Silva, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his motion to reopen removal proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252.

* 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).

We review for abuse of discretion the denial of a motion to reopen.

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

The agency did not abuse its discretion in denying Tlaseca Silva's motion to reopen because the evidence he submitted was insufficient to establish "exceptional circumstances." *See id.* at 891-92.

Tlaseca Silva has waived any challenge to the BIA's conclusion that Tlaseca Silva failed to document a claim against the notary who allegedly provided him with faulty advice. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

PETITION FOR REVIEW DENIED.