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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SELVIN A. AVILA AMEZQUITA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72582

Agency No. A073-978-383

MEMORANDUM*

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

Submitted May 24, 2011**

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

Selvin A. Avila Amezquita, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's denial of his motion to reopen proceedings held in absentia.

We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the

* 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, *Arrieta v. INS*, 117 F.3d 429, 430 (9th Cir. 1997) (per curiam), and we deny the petition for review.

The agency did not abuse its discretion in denying Avila Amezquita's motion to reopen where the record reflects that the hearing notice was sent by certified mail to Avila Amezquita's address of record and Avila Amezquita did not provide any evidence to rebut the strong presumption of effective service. *See id.* at 431 (“[N]otice by certified mail sent to an alien's last known address can be sufficient under the Act, even if no one signed for it.”).

PETITION FOR REVIEW DENIED.