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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JUAN LUIS OROZCO-ESTRADA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 09-72522

Agency No. A092-338-556

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.

Juan Luis Orozco-Estrada, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's order denying his motion to reopen removal proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We 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).

for abuse of discretion the denial of a motion to reopen, *Chete Juarez v. Ashcroft*, 376 F.3d 944, 947 (9th Cir. 2004), and we grant the petition for review.

The agency abused its discretion in denying Orozco-Estrada's motion to reopen for failure to demonstrate that "exceptional circumstances" caused his absence from his March 3, 2008, hearing. *See* 8 U.S.C. § 1229a(b)(5)(C)(i), (e)(1). Orozco-Estrada diligently appeared for numerous previous hearings, filed an application for relief for which he was prima facie eligible, and diligently created a record presenting a strong likelihood that meaningful relief would be granted. *See Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002); *see also Chete Juarez*, 376 F.3d at 948-49; *cf. Valencia-Fragoso v. INS*, 321 F.3d 1204, 1206 (9th Cir. 2003).

PETITION FOR REVIEW GRANTED; REMANDED.