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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANIL KESHEV PATEL,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 09-72893

Agency No. A028-776-610

MEMORANDUM*

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

Submitted June 15, 2011**

Before: CANBY, O’SANNLAIN, and FISHER, Circuit Judges.

Anil Keshev Patel, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s decision denying his motion to reopen deportation proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of

* 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).

discretion the 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 Patel's motion to reopen to rescind his deportation order because the hearing notice was sent by certified mail to the address last provided by Patel and he failed to rebut the 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.”); *see also* 8 U.S.C. § 1252b(a)(2) & (a)(1)(F) (1994).

PETITION FOR REVIEW DENIED.