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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>YUBIN ZHANG,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-74403

Agency No. A099-035-753

MEMORANDUM*

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

Submitted July 12, 2011**
Pasadena, California

Before: O’SCANNLAIN and IKUTA, Circuit Judges, and PIERSOL, Senior
District Judge.***

Yubin Zhang, a native and citizen of China, petitions for review of the
Bureau of Immigration Appeals’ (“BIA”) orders denying his motion to file a late

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Lawrence L. Piersol, Senior United States District
Judge for the District of South Dakota, sitting by designation.

brief and summarily dismissing his appeal. The facts are known to the parties and need not be repeated here except to the extent necessary.

We have jurisdiction to review the BIA's decision to deny a motion to file an untimely appeal brief. *See Zetino v. Holder*, 622 F.3d 1007, 1012 & n.2 (9th Cir. 2010). The BIA's order denying Zhang's motion states: "We find the reason stated by [Zhang] insufficient for us to accept the untimely brief in our exercise of discretion." The absence of a reasoned explanation for denying the motion prevents us from performing any meaningful appellate review. *See Garcia Gomez v. Gonzales*, 498 F.3d 1050, 1051 (9th Cir. 2007) (per curiam). Therefore, we remand the matter to the BIA for further proceedings consistent with this disposition.

PETITION FOR REVIEW GRANTED; REMANDED.