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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SUE CHAI ZHENG, a.k.a. Xue Chai Zheng,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 08-72776

Agency No. A077-957-602

MEMORANDUM*

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

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Sue Chai Zheng, a native and citizen of China, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her second motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We

* 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).

review for an abuse of discretion the BIA's denial of a motion to reopen. *Lin v. Holder*, 588 F.3d 981, 984 (9th Cir. 2009). We deny the petition for review.

The BIA did not abuse its discretion by denying Zheng's motion to reopen as untimely and numerically barred, *see* 8 C.F.R. § 1003.2(c)(2), and Zheng failed to demonstrate that there has been a material change in circumstances in China with respect to the enforcement of the family planning policy in order to qualify for the regulatory exception to these rules, *see Lin*, 588 F.3d at 988-89; *see also He v. Gonzales*, 501 F.3d 1128, 1132 (9th Cir. 2007) (a change in personal circumstances does not establish changed country conditions). We reject Zheng's contention that the BIA failed to consider all the evidence because she has not overcome the presumption the BIA reviewed the record. *See Fernandez v. Gonzales*, 439 F.3d 592, 603 (9th Cir. 2006); *Lin*, 588 F.3d at 987 (the BIA does not need to refute every piece of evidence submitted).

PETITION FOR REVIEW DENIED.