

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 20 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

PETAR DONCHEV BAKALOV,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72365

Agency No. A096-355-758

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.

Petar Donchev Bakalov, a native and citizen of Bulgaria, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen.

Our jurisdiction is governed by 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. *Singh v. Gonzales*, 491 F.3d 1090, 1095 (9th Cir. 2007). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Bakalov's motion to reopen as untimely because the motion was filed five years after the final order, *see* 8 C.F.R. § 1003.2(c)(2), and Bakalov failed to establish the due diligence required for equitable tolling, *see Singh*, 491 F.3d at 1096-97.

To the extent that Bakalov challenges the BIA's December 22, 2005, order, we lack jurisdiction to consider his contentions. *See* 8 U.S.C. § 1252(b)(1).

We need not consider Bakalov's remaining contentions in light of our disposition.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.