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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JUAN CARLOS ESTRADA-LUIS,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 10-71828

Agency No. A070-219-806

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.

Juan Carlos Estrada-Luis, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) decision denying his motion to reopen deportation

* 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).

proceedings conducted in absentia. We review for abuse of discretion, *Arrieta v. INS*, 117 F.3d 429, 430 (9th Cir. 1997), and we deny the petition for review.

The IJ did not abuse his discretion in denying Estrada-Luis' motion to reopen where the record contains a certified mail receipt for the notice of hearing bearing Estrada-Luis' signature, and Estrada-Luis failed to address this evidence in his affidavit. *See Arrieta*, 117 F.3d 429 at 431-32 (rebuttal of the strong presumption of effective service arising from notice by certified mail requires showing of nondelivery or improper delivery by the Postal Service); *Matter of Grijalva*, 21 I. & N. Dec. 27, 37 (BIA 1995).

PETITION FOR REVIEW DENIED.