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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BHADAR SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-70995

Agency No. A070-042-249

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.

Bhadar Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen proceedings based on ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Singh*

* 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).

v. Gonzales, 491 F.3d 1090, 1095 (9th Cir. 2007), and we deny the petition for review.

The BIA did not abuse its discretion in denying Singh's motion to reopen where the motion was filed nearly eleven years after the BIA's final order of removal, *see* 8 C.F.R. § 1003.2(c)(2), and Singh did not establish that he exercised due diligence during the entirety of this time period, as required to obtain equitable tolling of the filing deadline, *see Singh*, 491 F.3d at 1096-97.

PETITION FOR REVIEW DENIED.