

AUG 8 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAJVEER KANDOLA, a.k.a. Roger Kandola,</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. 09-74073

Agency No. A028-308-125

MEMORANDUM*

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

Submitted August 2, 2011**

Before: RYMER, IKUTA, and N.R. SMITH, Circuit Judges.

Rajveer Kandola, a native and citizen of Canada, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his special motion to reopen to seek relief under former section 212(c) of the Immigration and Nationality Act, 8 U.S.C. § 1182(c) (repealed 1996). We have jurisdiction under

* 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).

8 U.S.C. § 1252. We review de novo questions of law and for abuse of discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we deny the petition for review.

The BIA did not abuse its discretion in denying Kandola's June 30, 2009, motion to reopen as untimely because it was filed over four years after the special motions deadline to seek relief under former section 212(c), and Kandola did not establish that he was entitled to equitable tolling of the deadline. *See* 8 C.F.R. § 1003.44(h).

We need not reach Kandola's remaining contentions in light of our disposition.

PETITION FOR REVIEW DENIED.