

AUG 16 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>AHMAD ALI,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 09-70221

Agency No. A075-318-158

MEMORANDUM*

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

Submitted August 11, 2011**

Before: THOMAS, SILVERMAN, and CLIFTON, Circuit Judges.

Ahmad Ali, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 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. *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010). We deny the petition for review.

The BIA did not abuse its discretion in denying Ali's motion to reopen as untimely because he filed the motion nearly four years after the BIA issued its final order of removal, *see* 8 C.F.R. § 1003.2(c)(2), and he failed to present sufficient evidence of changed circumstances in India to qualify for an exception to the time limit for filing motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii).

Ali's contention that the BIA applied an improper legal standard in denying his motion to reopen is belied by the record.

PETITION FOR REVIEW DENIED.