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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KULWINDER KAUR,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-71065

Agency No. A070-547-436

MEMORANDUM*

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

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Kulwinder Kaur, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

abuse of discretion, *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 Kaur's fourth motion to reopen as numerically-barred and untimely where the motion was filed over 12 years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and Kaur failed to establish changed circumstances in India to qualify for the regulatory exception to the time and number limit for filing motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *see also Malty v. Ashcroft*, 381 F.3d 942, 945 (9th Cir. 2004) ("The critical question is . . . whether circumstances have changed sufficiently that a petitioner who previously did not have a legitimate claim for asylum now has a well-founded fear of future persecution.").

We reject Kaur's contentions that the BIA failed to consider and address her supporting evidence. *See Najmabadi v. Holder*, 597 F.3d 983, 990-91 (9th Cir. 2010). We also reject Kaur's contention that the time limitation for filing a motion to reopen does not apply to her application for relief under the Convention Against Torture. *See* 8 C.F.R. § 1208.18(b)(2)(i).

PETITION FOR REVIEW DENIED.