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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BUDI TORANG SIHOMBING,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-70501

Agency No. A095-618-232

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

Budi Torang Sihombing, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen or remand. 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). Accordingly, we deny Sihombing’s request for oral argument.

abuse of discretion the BIA's denial of motions to reopen or to remand. *Guzman v. INS*, 318 F.3d 911, 912 n.1 (9th Cir. 2003). We deny the petition for review.

Sihombing contends the BIA erred in denying his request for further consideration of his application for withholding of removal based on a disfavored group analysis. However, Sihombing does not challenge the BIA's dispositive finding that his motion was untimely and that he did not qualify for an exception to the time limitation. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party's opening brief are waived).

PETITION FOR REVIEW DENIED.