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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAIME FELICIANO URIAS-REYES,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-70752

Agency No. A071-637-442

MEMORANDUM*

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

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Jaime Feliciano Urias-Reyes, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen and rescind his in absentia deportation order. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to

* 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).

reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we deny the petition for review.

Nor did the BIA abuse its discretion in denying Urias-Reyes' motion to reopen because it was filed more than eighteen years after his final order of deportation, *see* 8 C.F.R. § 1003.23(b)(4)(iii)(A)(1), Urias-Reyes did not establish the due diligence required for equitable tolling, *see Iturribarria*, 321 F.3d at 897, and Urias-Reyes' conceded in his declaration that he received notice of the August 6, 1991, hearing at which he was ordered deported in absentia. *See* 8 U.S.C. § 1252b(c).

PETITION FOR REVIEW DENIED.