

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 24 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ZAVEN KHACHATRYAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71416

Agency No. A076-706-203

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.

Zaven Khachatryan, a native of Iran and citizen of Armenia, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his second motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for an abuse of discretion, *Toufighi v. Mukasey*, 538 F.3d 988, 992 (9th Cir. 2008), and

* 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).

we deny the petition for review.

The BIA did not abuse its discretion by denying Khachatryan's second motion to reopen as numerically-barred and untimely where it was filed over four years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and Khachatryan failed to establish changed circumstances in Armenia to qualify for the regulatory exception to the time 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.").

PETITION FOR REVIEW DENIED.