

JUL 24 2012

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

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

SIMARJIT KAUR,  
  
Petitioner,  
  
v.  
  
ERIC H. HOLDER, Jr., Attorney General,  
  
Respondent.

No. 09-73174

Agency No. A095-588-133

MEMORANDUM\*

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

Submitted July 17, 2012\*\*

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

Simarjit Kaur, a native and citizen of India, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decision denying her motion to reopen removal proceedings conducted in absentia. Our jurisdiction is governed by 8 U.S.C. § 1252. We

---

\* 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).

review for abuse of discretion the agency's denial of a motion to reopen, *Celis-Castellano v. Ashcroft*, 298 F.3d 888, 890-91 (9th Cir. 2002), and we deny in part and dismiss in part the petition for review.

The agency did not abuse its discretion in denying Kaur's motion to reopen for failure to establish exceptional circumstances beyond her control that would excuse her failure to appear for her removal hearing. *See* 8 U.S.C. § 1229a(b)(5)(C)(i), (e)(1); *Celis-Castellano*, 298 F.3d at 892.

We lack jurisdiction to consider Kaur's remaining contentions regarding her removability, her motion to change venue, or the sufficiency of the government's evidence of fraud, as these contentions were not exhausted before the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**