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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SAUDAGAR SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 09-73305

Agency No. A073-413-926

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.

Saudagar Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and we review de novo questions of law. *Socop-*

* 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).

Gonzalez v. INS, 272 F.3d 1176, 1187 (9th Cir. 2001) (en banc). We deny the petition for review.

The BIA did not abuse its discretion in denying Singh's third motion to reopen, filed twelve years after the final order of removal, as time- and number-barred. *See* 8 C.F.R. § 1003.2(c)(2). Singh's contention that the time and number limits on motions to reopen set forth in the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") do not apply to his motion is misplaced because the regulations setting the time and number limits were promulgated prior to the effective date of IIRIRA. *See* 8 C.F.R. § 3.2(c)(2) (1996), *as revised by* 61 Fed.Reg. 18900 (April 29, 1996); *Socop-Gonzalez*, 272 F.3d at 1183, 1191-92 (applying 8 C.F.R. § 3.2(c)(2) to an untimely motion to reopen where removal proceedings were instituted in 1995).

Contrary to Singh's contention, he is not entitled to remand under *Nevarez*. *Nevarez v. Holder*, 512 F.3d 605, 608 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.