

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 25 2012

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

MARTIR BOANERGE LUCERO-
HERNANDEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73002

Agency No. A072-664-151

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.

Martir Boanerge Lucero-Hernandez, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his 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 deportation proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Lo v. Ashcroft*, 341 F.3d 934, 937 (9th Cir. 2003). We deny the petition for review.

The agency did not abuse its discretion in denying Lucero-Hernandez's motion to reopen for failure to show lack of notice because the notice of hearing was sent by certified mail to his last known address. *See* 8 U.S.C. § 1252b(a)(2)(A), (c)(1); *see also Arrieta v. I.N.S.*, 117 F.3d 429, 431 (9th Cir. 1997) (notice by certified mail sent to an alien's last known address can be sufficient under the Act, even if no one signed for it).

PETITION FOR REVIEW DENIED.