

SEP 14 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARMEN DANIELYAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-71648

Agency No. A075-686-772

MEMORANDUM*

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

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Armen Danielyan, a native and citizen of Armenia, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

abuse of discretion the denial of a motion to reopen. *Singh v. Gonzales*, 491 F.3d 1090, 1095 (9th Cir. 2007). We deny the petition for review.

The BIA did not abuse its discretion in denying Danielyan's motion to reopen as untimely. Danielyan filed the motion over three years after the BIA's March 28, 2006, order of removal, *see* 8 C.F.R. § 1003.2(c)(2), and he did not demonstrate that he acted with the due diligence required for equitable tolling of the filing deadline, *see Singh*, 491 F.3d at 1095-96.

In light of this determination, we do not reach Danielyan's remaining contentions.

PETITION FOR REVIEW DENIED.