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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARICELA DUARTE-GUTIERREZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-72725

Agency No. A072-713-202

MEMORANDUM\*

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

Submitted November 13, 2012\*\*

Before: CANBY, TROTT, and W. FLETCHER, Circuit Judges.

Maricela Duarte-Gutierrez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her motion to reopen deportation proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252.

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\* 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 review for abuse of discretion the denial of a motion to reopen, *Arrieta v. INS*, 117 F.3d 429, 430 (9th Cir. 1997) (per curiam), and we grant the petition for review and remand.

The agency abused its discretion in denying Duarte-Gutierrez's motion to reopen on the ground that he failed to establish lack of notice. The record contains a returned certified mail receipt with the United States Postal Service notation "NSN RB1" and the BIA erred in failing to take administrative notice of the fact that "NSN" stands for "no such number." 8 C.F.R. §1003.1(d)(3)(iv)(the BIA may take administrative notice of commonly known facts). Accordingly, we grant the petition and remand for further proceedings. *INS v. Ventura*, 537 U.S. 12, 16-17 (2002) (per curiam).

In light of our disposition, we need not reach Duarte-Gutierrez's remaining contentions.

We deny the government's motion to strike.

**PETITION FOR REVIEW GRANTED; REMANDED.**