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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>BALDEV SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 11-71893

Agency No. A044-670-022

MEMORANDUM*

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

Submitted January 15, 2013**

Before: SILVERMAN, BEA, and NGUYEN, Circuit Judges.

Baldev Singh, a native and citizen of India, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the

* 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).

denial of a motion to reopen. *Toufighi v. Mukasey*, 538 F.3d 988, 992 (9th Cir. 2008). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Singh's motion to reopen because Singh did not demonstrate that the evidence he submitted with his motion was new and previously unavailable. *See* 8 C.F.R. § 1003.2(c)(1) (evidence offered with a motion to reopen must have been unavailable and unable to have been discovered or presented at the former hearing); *see also* *Toufighi*, 538 F.3d at 996. Contrary to Singh's contention, the agency did not rely on general country conditions to deny his claim.

We lack jurisdiction to review Singh's contentions regarding the immigration judge and his hearing, as well as his contentions regarding a fear of harm as an ex-felon and a fear due to his human rights political opinion, because he did not exhaust them to the BIA. *See* *Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.