

MAR 14 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MOHAMMED ASHRAF,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72731

Agency No. A093-155-300

MEMORANDUM*

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

Submitted March 12, 2013**
San Francisco, California

Before: WALLACE, McKEOWN, and IKUTA, Circuit Judges.

Ashraf petitions for review of the Board of Immigration Appeals' (Board) denial of his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252(b), and we deny the petition.

* 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).

The Board did not abuse its discretion when it denied Ashraf's motion to reopen. *See Iturribarria v. I.N.S.*, 321 F.3d 889, 894 (9th Cir. 2003). Ashraf's motion was untimely. *See* 8 U.S.C. § 1229a(c)(7)(C)(i). Ashraf did not show that the conditions in Pakistan, insofar as they related to his circumstances, had materially worsened since the time the Board denied his application for cancellation of removal, and therefore he did not qualify for the "changed country conditions" exception to the filing deadline. *See id.* §§ (i), (ii); 8 C.F.R. § 1003.2(c)(3)(ii).

PETITION DENIED.