

MAY 17 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA CORNEJO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-71050

Agency No. A097-355-058

MEMORANDUM*

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

Submitted May 14, 2013**

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Maria Cornejo, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her 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).

an abuse of discretion the BIA's denial of a motion to reopen. *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). We deny the petition for review.

The BIA did not abuse its discretion in denying Cornejo's timely motion to reopen where Cornejo failed to demonstrate that the administrative procedures manual excerpt and the employment authorization card were not discoverable and could not have been presented to the immigration judge. *See* 8 C.F.R.

§ 1003.2(c)(1); *Guzman v. INS*, 318 F.3d 911, 913 (9th Cir. 2003) (per curiam).

The BIA did not err in not reconsidering its denial of withholding of removal and relief under the Convention Against Torture ("CAT") because Cornejo did not raise these arguments in her motion.

In light of our conclusions, we do not reach Cornejo's arguments regarding her eligibility for asylum, withholding of removal, or CAT relief.

PETITION FOR REVIEW DENIED.