

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 10 2013

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

AREGNAZ AZATYAN,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

No. 09-72960

Agency No. A097-384-532

MEMORANDUM*

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

Submitted June 4, 2013**
Pasadena, California

Before: THOMAS, SILVERMAN and FISHER, Circuit Judges.

Aregnaz Azatyan, a native and citizen of Armenia, 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).

abuse of discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we deny the petition for review.

The BIA did not abuse its discretion in denying Azatyan's motion to reopen because it was her third motion to reopen and it was filed more than three years after the BIA's November 23, 2005, final order of removal. *See* 8 C.F.R. § 1003.2(c)(2).

The BIA also did not abuse its discretion in denying Azatyan's motion to reopen on the ground that Azatyan failed to present material and previously unavailable evidence of changed circumstances to qualify for the regulatory exception to the filing deadline. *See* 8 C.F.R. § 1003.2(c)(3)(ii); *Toufighi v. Mukasey*, 538 F.3d 988, 996-97 (9th Cir. 2008) (underlying adverse credibility determination rendered evidence of changed circumstances immaterial).

PETITION FOR REVIEW DENIED.