

JUN 20 2013

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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NOT FOR PUBLICATION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>WENXIN ZHANG,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 10-72954

Agency No. A099-901-803

MEMORANDUM*

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

Submitted June 18, 2013**

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

Wenxin Zhang, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his motion to reopen removal proceedings held in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of

* 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).

discretion the denial of a motion to reopen, *Garcia v. INS*, 222 F.3d 1208, 1209 (9th Cir. 2000), and we deny the petition for review.

The agency did not abuse its discretion in denying Zhang's motion to reopen where the notice provided to Zhang of his next hearing date was sufficient. *See id.* at 1209 (notice to counsel of record constitutes notice to alien).

The October 22, 2010, motion to intervene filed by the Robin Hood International Human Rights Legal Defense Fund is denied.

PETITION FOR REVIEW DENIED.