

JUN 20 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHUNLI WU,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-71079

Agency No. A075-654-696

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.

Chunli Wu, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA's

* 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. *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010). We deny the petition for review.

The immigration judge previously found that Wu's original application for asylum was frivolous, and Wu has not shown that the finding has been disturbed. Accordingly, Wu is permanently barred from receiving asylum in the United States. *See* 8 U.S.C. § 1158(d)(6).

Further, the BIA did not abuse its discretion in finding that Wu failed to show prima facie eligibility for withholding of removal where Wu did not make any substantive arguments for withholding of removal to the BIA. *See Ali v. Holder*, 637 F.3d 1025, 1029 n.2 (9th Cir. 2011) (recognizing asylum applications are automatically considered requests for withholding of removal but noting burden of proof for withholding of removal is higher than for asylum); *Najmabadi*, 597 F.3d at 986 (court defers to BIA's exercise of discretion unless arbitrary, irrational, or contrary to law).

Finally, we reject Wu's contention that the BIA's consideration of her claims was inadequate.

PETITION FOR REVIEW DENIED.