

JUL 31 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SOHAN SINGH; BAKHASH KAUR,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 11-71025

Agency Nos.      A079-257-647  
                              A079-257-648

MEMORANDUM\*

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

Submitted July 24, 2013\*\*

Before:      ALARCÓN, CLIFTON, and CALLAHAN, Circuit Judges.

Sohan Singh and Bakhsh Kaur, natives and citizens of India, petition for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We

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\* 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).

review for an abuse of discretion the denial of a motion to reopen, *Toufighi v. Holder*, 538 F.3d 988, 992 (9th Cir. 2008), and we deny the petition for review.

The BIA denied petitioners' motion as untimely, and found they failed to show changed circumstances to qualify for the regulatory exception provided in 8 C.F.R. § 1003.2(c)(3)(ii), where some of their evidence related in part to Singh's prior claim, which was found not credible, and the other evidence did not establish changed circumstances in India with regard to the treatment of politically active Sikhs. Petitioners contend the BIA abused its discretion by failing to take into account country conditions evidence, by failing to consider petitioners' evidence not tainted by the prior adverse credibility finding in conjunction with the country reports, and by discounting their credible evidence. Because these contentions are not supported by the record, petitioners have not shown the BIA abused its discretion in denying their motion to reopen. *See He v. Gonzales*, 501 F.3d 1128, 1131 (9th Cir. 2007) ("The decision of the BIA should be left undisturbed unless it is arbitrary, irrational, or contrary to law.") (internal quotation marks and citation omitted).

**PETITION FOR REVIEW DENIED.**