

AUG 20 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE ARMANDO DOMINGUEZ-GARCIA,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 09-71197

Agency No. A079-268-262

MEMORANDUM*

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

Submitted August 1, 2013**

Before: GRABER, WARDLAW, and PAEZ, Circuit Judges.

Jose Armando Dominguez-Garcia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C.

* 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).

§ 1252. We review for abuse of discretion, *Ordonez v. INS*, 345 F.3d 777, 782 (9th Cir. 2003), and deny the petition for review.

The BIA did not abuse its discretion in denying Petitioner's motion to reopen on the ground that he failed to establish prima facie eligibility for cancellation of removal. *See id.* at 785 (prima facie eligibility is demonstrated by showing a reasonable likelihood that the statutory requirements for relief have been satisfied); 8 U.S.C. § 1229b(b)(1)(B). The immigration judge found Petitioner lacked good moral character in its underlying decision, and he did not challenge that finding either in his initial appeal to the BIA or in his later motion to reopen.

PETITION FOR REVIEW DENIED.