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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GUILLERMO GOMEZ-RUIZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-72260

Agency No. A073-967-993

MEMORANDUM*

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

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Guillermo Gomez-Ruiz, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's denial of 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. *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We deny the petition for review.

The agency did not abuse its discretion in denying Gomez-Ruiz's motion to reopen for failure to show lack of notice where the record establishes proper service of the Order to Show Cause and the Notice of Hearing. *See* 8 U.S.C. § 1252b(a)(1), (a)(2)(B) (repealed 1996).

The agency did not abuse its discretion in denying Gomez-Ruiz's motion to reopen as untimely where the motion was filed more than thirteen years after his removal order became final, *see* 8 C.F.R. § 1003.23(b)(1), and Gomez-Ruiz failed to demonstrate a material change in country conditions in Mexico to qualify for the regulatory exception to the filing deadline, *see* 8 C.F.R. § 1003.23(b)(4)(i); *see also Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1151-52 (9th Cir. 2010).

PETITION FOR REVIEW DENIED.