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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HUIAYU CHEN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 12-72772

Agency No. A077-222-959

MEMORANDUM*

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

Submitted October 15, 2013**

Before: FISHER, GOULD, and BYBEE, Circuit Judges.

Huiayu Chen, a native and citizen of China, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen removal proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA’s denial of a motion to reopen. *He v.*

* 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).*

Gonzales, 501 F.3d 1128, 1130-31 (9th Cir. 2007). We deny the petition for review.

The BIA did not abuse its discretion by denying Chen’s motion to reopen on the grounds that it was number barred, *see* 8 C.F.R. § 1003.2(c)(2) (generally, “a party may file only one motion to reopen removal proceedings”), and that she had failed to demonstrate a material change in circumstances in China to qualify for the regulatory exception to the numerical bar, *see He*, 501 F.3d at 1132 (a change in personal circumstances does not establish changed country conditions).

Finally, because our determination regarding the number bar is dispositive, we decline to consider Chen’s allegation of lack of notice. *See Mendez-Alcaraz v. Gonzales*, 464 F.3d 842, 844 (9th Cir. 2006) (declining to reach nondispositive challenges to a BIA order).

PETITION FOR REVIEW DENIED.