

DEC 6 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SARUP LAL,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 12-71357

Agency No. A079-290-266

MEMORANDUM*

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

Submitted November 19, 2013**

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

Sarup Lal, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his third motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA’s denial of a motion to reopen. *Najmabadi v. Holder*, 597 F.3d

* 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).

983, 986 (9th Cir. 2010). We deny the petition for review.

The BIA did not abuse its discretion in denying Lal's third motion to reopen as untimely and number-barred where the motion was filed over six years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and Lal failed to present sufficient evidence of changed circumstances in India to qualify for the regulatory exception to the time and number limits for filing motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi*, 597 F.3d at 988-89.

We reject Lal's contention that the BIA's typographical error constituted a misapplication or misstatement of the law. We also reject Lal's contention that the BIA erred by considering Lal's request for humanitarian asylum solely under its *sua sponte* authority.

PETITION FOR REVIEW DENIED.