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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FERNANDO C. SOSA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 12-71546

Agency No. A070-663-257

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.

Fernando C. Sosa, a native and citizen of Ecuador, petitions for review of the Board of Immigration Appeals’ (“BIA”) decision denying his motion to reopen removal proceedings to seek relief under the Convention Against Torture (“CAT”). We review for abuse of discretion the BIA’s denial of a motion to reopen.

* 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).

Najmabadi v. Holder, 597 F.3d 983, 986 (9th Cir. 2010). We deny the petition for review.

The BIA did not abuse its discretion in denying Sosa’s motion to reopen as untimely where the motion was filed over seven years after the BIA’s final order, *see* 8 C.F.R. § 1003.2(c)(2), and the BIA acted within its broad discretion in determining that the evidence was insufficient to establish prima facie eligibility for CAT relief. *See Najmabadi*, 597 F.3d at 986 (agency may deny a motion to reopen based on failure to establish a prima facie case for the relief sought); *see also Mendez-Gutierrez v. Gonzales*, 444 F.3d 1168, 1172 (9th Cir. 2006) (“vague and conclusory allegations” insufficient to establish prima facie eligibility). We reject Sosa’s claim that the BIA erroneously required corroboration.

PETITION FOR REVIEW DENIED.