

APR 14 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HANAN ALI MOHAMED ALI,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72751

Agency No. A095-402-293

MEMORANDUM*

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

Submitted April 10, 2014**
San Francisco, California

Before: SILVERMAN, W. FLETCHER, and BYBEE, Circuit Judges.

Hanan Ali Mohamed Ali, a native and citizen of Eritrea, petitions for review of the Board of Immigration Appeals’s (“BIA”) decision denying as untimely her motion to reopen. We review the BIA’s decision for abuse of discretion.

* 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 by denying Ali's motion to reopen in its entirety because it was filed five years after the BIA's final decision, *see* 8 C.F.R. § 1003.2(c)(2), and it did not fall within the changed-circumstances exception to the ninety-day time limit on motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii). Ali's evidence did not show that conditions in Eritrea changed materially after her 2003 hearing, so the exception did not apply with respect to any of Ali's claims. *See Najmabadi*, 597 F.3d at 987–89.

PETITION FOR REVIEW DENIED.