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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BALJIT SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 12-70350

Agency No. A095-568-815

MEMORANDUM*

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

Submitted July 22, 2014**

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

Baljit Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen removal proceedings. 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 BIA's denial of a motion to reopen. *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 Singh's motion to reopen as untimely where the motion was filed more than four years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), Singh failed to show that some of the evidence was not previously available and could not have been presented at his previous hearing, *see* 8 C.F.R. § 1003.2(c)(3)(ii), and Singh otherwise failed to demonstrate changed conditions that qualify for the regulatory exception to the time limit for filing motions to reopen, *see id.*; *Toufighi v. Mukasey*, 538 F.3d 988, 996-97 (9th Cir. 2008) (evidence was immaterial in light of prior adverse credibility determination). We reject Singh's contentions that the BIA ignored or failed to adequately consider either his identity documents or the country condition evidence presented with the motion to reopen. *See Najmabadi*, 597 F.3d at 990-91 (BIA adequately considered evidence and sufficiently announced decision).

PETITION FOR REVIEW DENIED.