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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>WU ZHANG,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 13-70957

Agency No. A096-188-823

MEMORANDUM*

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

Submitted September 23, 2014**

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Wu Zhang, a native and citizen of China, 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 discretion the denial of a motion to reopen. *Najmabadi v. Holder*, 597 F.3d 983,

* 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).

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

The BIA did not abuse its discretion in denying Zhang's motion to reopen because it was untimely and number-barred, *see* 8 C.F.R. § 1003.2(c)(2), and Zhang failed to demonstrate that he qualified for the exception to the time and numerical limitations for filing motions to reopen based on materially changed circumstances arising in China, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi*, 597 F.3d at 987 (evidence must be “qualitatively different” from the evidence presented at the previous hearing). Zhang's contention that the BIA did not make a careful and individualized determination, and his contention that the BIA did not carefully consider the background materials he submitted are not supported by the record.

PETITION FOR REVIEW DENIED.