

NOV 25 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FERRY LIANDO; CHIEN HUI YANG,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-73271

Agency Nos. A078-669-954
 A078-669-955

MEMORANDUM*

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

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Ferry Liando, a native and citizen of Indonesia, and his wife Chien Hui Yang, a native of Taiwan and citizen of Indonesia, petition for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reconsider and reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We

* 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).

review for abuse of discretion the denial of a motion to reconsider or 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 in denying petitioners' motion to reconsider as untimely because petitioners filed it more than 30 days after the BIA's decisions. *See* 8 C.F.R. § 1003.2(b)(1).

The BIA also did not abuse its discretion in denying petitioners' motion to reopen as untimely because petitioners filed it more than ten years after the BIA's final decision, and they failed to establish materially changed country conditions in Indonesia to overcome the limitations on motions to reopen. *See* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi*, 597 F.3d at 988-89 (petitioner failed to submit "qualitatively different" evidence).

The BIA also did not abuse its discretion in declining to reopen in light of the court's decisions in *Wakkary v. Holder*, 558 F.3d 1049 (9th Cir. 2009), and *Tampubolon v. Holder*, 610 F.3d 1056 (9th Cir. 2010). *See Toufighi v. Mukasey*, 538 F.3d 988, 996-97 (9th Cir. 2008) (petitioner must demonstrate prima facie eligibility for relief in order to reopen); *Wakkary*, 558 F.3d at 1065 (even under disfavored group analysis, petitioner must present some evidence of individualized risk).

Finally, we reject petitioners' requests related to a pattern or practice of persecution.

PETITION FOR REVIEW DENIED.