

DEC 15 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GINNY SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-71163

Agency No. A073-682-139

MEMORANDUM*

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

Submitted December 9, 2014**

Before: WALLACE, LEAVY, and BYBEE, Circuit Judges.

Ginny 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 discretion the BIA’s denial of a motion to reopen. *Najmabadi v. Holder*, 597 F.3d

* 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).

983, 986 (9th Cir. 2010). We review de novo claims of due process violations. *Singh v. Holder*, 638 F.3d 1264, 1269 (9th Cir. 2011). 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 seven years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and Singh failed to demonstrate materially changed conditions in India to qualify for the regulatory exception to the time limit for filing motions to reopen, *see* 8 C.F.R. § 1003.2.(c)(3)(ii). The BIA reasonably determined that the evidence submitted with Singh's motion to reopen did not establish a material change in conditions. *See Najmabadi*, 597 F.3d at 990 ("The Board adequately considered [petitioner's] evidence and sufficiently announced its decision").

We reject Singh's contention that the BIA applied the wrong legal standard, and his contention that the BIA's decision violated due process. *See* 8 U.S.C. § 1229a(c)(7)(C)(ii); *Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error and prejudice to prevail on a due process challenge). Singh's request for judicial notice of the docket and administrative record is denied as unnecessary.

PETITION FOR REVIEW DENIED.