

MAY 21 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SUBAS SHARMA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 12-71889

Agency No. A078-317-361

MEMORANDUM*

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

Submitted May 13, 2015**

Before: LEAVY, CALLAHAN, and M. SMITH, Circuit Judges.

Subas Sharma, a native and citizen of Nepal, 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

* 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).

abuse of 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.

In denying Sharma's motion to reopen, the BIA determined the evidence he presented was inherently not believable and thus there was no adequate basis for granting the untimely motion. Sharma does not challenge the BIA's dispositive finding that his evidence was inherently unbelievable. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in party's opening brief are waived).

PETITION FOR REVIEW DENIED.