

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 21 2015

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

MELVIN ESTUARDO MORAGA
ALVAREZ,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-70097

Agency No. A074-807-615

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.

Melvin Estuardo Moraga Alvarez, a native and citizen of Guatemala, 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.

* 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).

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 Moraga Alvarez's motion to reopen as untimely because it was filed more than eight years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and Moraga Alvarez failed to establish materially changed circumstances in Guatemala to qualify for the regulatory exception to the time limitations for motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi*, 597 F.3d at 990 (evidence must be material to warrant reopening). The record does not support Moraga Alvarez's contentions that the BIA ignored his background evidence and applied an improper burden of proof, and we reject Moraga Alvarez's contentions that the BIA failed to address his arguments adequately on appeal.

PETITION FOR REVIEW DENIED.