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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LIHUAN SUN, aka Song Hui Kim,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 11-71710

Agency No. A078-440-854

MEMORANDUM*

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

Submitted September 3, 2015**
Pasadena, California

Before: GRABER and WATFORD, Circuit Judges, and TUNHEIM,^{***} Chief
District Judge.

* 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).

*** The Honorable John R. Tunheim, Chief District Judge for the U.S. District Court for the District of Minnesota, sitting by designation.

Lihuan Sun, a native of China who claims to be a citizen of North Korea, petitions for review of an order of the Board of Immigration Appeals (“BIA”) denying her motion to reopen. *See* 8 U.S.C. § 1252. We review the BIA’s denial of the motion for abuse of discretion. *Martinez-Hernandez v. Holder*, 778 F.3d 1086, 1088 (9th Cir. 2015) (per curiam).

The BIA did not abuse its discretion in denying Sun’s motion to reopen. Sun’s motion was untimely filed, *see* 8 U.S.C. § 1229a(c)(7)(C)(i), and Sun failed to present sufficient evidence of changed conditions in China or North Korea to overcome her delay, *see id.* § 1229a(c)(7)(C)(ii). Sun did submit evidence that North Korean authorities had forcibly taken her family to a labor camp, which she claimed was punishment for their efforts assisting refugees in fleeing the country, as well as evidence that China had recently “intensified” its “crackdown” against North Korean refugees and those aiding their escape. But none of the evidence that she has submitted was qualitatively different from the evidence she submitted at her initial asylum hearing. *See Najmabadi v. Holder*, 597 F.3d 983, 987, 989 (9th Cir. 2010). The BIA thus did not abuse its discretion in ruling that Sun failed to produce evidence that conditions had materially changed in China or North Korea. *See Toufighi v. Mukasey*, 538 F.3d 988, 996 (9th Cir. 2008), *as amended*.

PETITION DENIED.