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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

## UNITED STATES COURT OF APPEALS

## FOR THE NINTH CIRCUIT

LIDIA CARRILLO-RECINOS,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-71094

Agency No. A095-117-688

MEMORANDUM\*

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

November 18, 2015\*\*

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

Lidia Carrillo-Recinos, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's order denying her motion to rescind and reopen removal proceedings held in absentia. Our jurisdiction is governed by 8 U.S.C. § 1252.

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\* 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).

We review for abuse of discretion the denial of a motion to reopen, and we review for substantial evidence the agency's factual findings. *Hamzaspyan v. Holder*, 590 F.3d 744, 747 (9th Cir. 2009). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency's determination that Carrillo-Recinos was personally served her Notice to Appear and received the required advisals. *See* 8 U.S.C. § 1229(a)(1). Accordingly, the agency did not abuse its discretion in denying Carrillo-Recinos' motion to reopen based on lack of notice where her hearing notice was mailed to her last address provided. *See* 8 U.S.C. § 1229a(b)(5)(A) (written notice is considered sufficient if sent to the most recent address provided).

We lack jurisdiction to consider Carrillo-Recinos' contention that the English-language documents she received in her removal proceedings did not satisfy due process, where Carrillo-Recinos failed to exhaust this contention before the agency. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) (the court lacks jurisdiction to consider legal claims not presented in an alien's administrative proceedings).

Carrillo-Recinos' remaining contentions are unavailing.

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**