

JAN 27 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHAYNE VISSER,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-70406

Agency No. A200-884-383

MEMORANDUM*

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

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Shayne Visser, a native and citizen of South Africa, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Najmabadi v. Holder*, 597

* 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).

F.3d 983, 986 (9th Cir. 2010). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Visser's motion to reopen because he failed to establish a prima facie case for the relief sought. *See id.* (court defers to the BIA's exercise of discretion unless it acted 'arbitrarily, irrationally, or contrary to law').

We lack jurisdiction to consider Visser's contentions challenging the BIA's June 17, 2013, order denying his claims for asylum, withholding of removal, and relief under the Convention Against Torture because Visser did not petition for review of that order. *See Membreno v. Gonzales*, 425 F.3d 1227, 1229 (9th Cir. 2005).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.