

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 19 2016

FOR THE NINTH CIRCUIT

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

JOSE JACOBO ESCOBAR,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-72402

Agency No. A094-286-899

MEMORANDUM*

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

Submitted April 13, 2016**

Before: FARRIS, TALLMAN, and BYBEE, Circuit Judges.

Jose Jacobo Escobar, a native and citizen of Honduras, 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 denial of a motion to reopen. *Cano-Merida v. INS*, 311

* 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 960, 964 (9th Cir. 2002). We deny the petition for review.

The BIA did not abuse its discretion in denying Escobar's untimely motion to reopen because the evidence supporting his motion, including the declarations of Escobar's father and daughter, did not establish prima facie eligibility for CAT relief. *See id.* at 965-66 (BIA did not abuse its discretion in denying petitioners' motion to reopen to seek CAT relief where petitioner did not demonstrate it was more likely than not he would be tortured with the consent or acquiescence of a public official if returned to Guatemala).

We reject Escobar's contention that the BIA failed to consider evidence. *See Najmabadi v. Holder*, 597 F.3d 983, 990-91 (9th Cir. 2009) (BIA adequately considered evidence and sufficiently announced its decision).

PETITION FOR REVIEW DENIED.