

JUN 24 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

REYNALDO ENRIQUE JIMENEZ-
MORATAYA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-70664

Agency No. A094-933-002

MEMORANDUM*

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

Submitted May 24, 2016**

Before: REINHARDT, W. FLETCHER, and OWENS, Circuit Judges.

Reynaldo Enrique Jimenez-Morataya, a native and citizen of El Salvador, petitions pro se 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

* 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).

reopen. *Lin v. Holder*, 588 F.3d 981, 984 (9th Cir. 2009). We deny the petition for review.

The BIA did not abuse its discretion in denying Jimenez-Morataya's motion to reopen as untimely, where the motion was filed more than a year after the BIA's final order, and Jimenez-Morataya failed to present sufficient evidence of changed circumstances in El Salvador to qualify for the regulatory exception to the filing deadline. *See* 8 C.F.R. § 1003.2(c)(2), (c)(3)(ii); *Lin*, 588 F.3d at 989 (BIA's determination that petitioner did not establish material changed country conditions was not "arbitrary, irrational, or contrary to law").

To the extent Jimenez-Morataya contends he established eligibility for relief, we do not reach this contention in light of our disposition.

PETITION FOR REVIEW DENIED.