

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 23 2017

FOR THE NINTH CIRCUIT

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

CHIEN HWA SHEN,

Petitioner,

v.

JEFF B. SESSIONS, Attorney General,

Respondent.

No. 11-72626

Agency No. A072-969-159

MEMORANDUM *

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

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Chien Hwa Shen, a native and citizen of China, 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 an abuse of discretion the denial of a motion to reopen, *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010), and we deny the petition for review.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The BIA did not abuse its discretion in denying Shen’s motion as untimely and number-barred where Shen filed his third motion to reopen more than seven years after the final administrative order, *see* 8 C.F.R. § 1003.2(c)(2), and Shen failed to demonstrate he qualified for a regulatory exception to the time and number limits for motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *see also* *Najmabadi*, 597 F.3d at 991 (concluding that evidence submitted with motion to reopen did not establish changed circumstances arising within the country of nationality); *cf.* *Chandra v. Holder*, 751 F.3d 1034, 1037 (9th Cir. 2014) (concluding that an alien can satisfy 8 C.F.R. § 1003.2(c)(3)(ii) by presenting “evidence of changed country conditions that are relevant in light of the petitioner’s changed circumstances”).

PETITION FOR REVIEW DENIED.