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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RUBEN QUECARA-CASTILLO, AKA
Ruben Quecara,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-72746

Agency No. A077-165-646

MEMORANDUM*

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

Submitted March 8, 2017**

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

Ruben Quecara-Castillo, a native and citizen of Peru, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") order denying his motion to reopen removal

* 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).

proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The agency did not abuse its discretion in denying Quecara-Castillo's motion to reopen based on lack of notice, where his hearing notice was mailed to the last address he provided. *See* 8 U.S.C. § 1229a(b)(5)(A), (b)(5)(C)(ii).

The agency also did not abuse its discretion in denying Quecara-Castillo's motion to reopen as untimely, where he filed the motion more than twelve years after his in absentia removal order. *See* 8 U.S.C. § 1229a(b)(5)(C)(i). Because Quecara-Castillo fails to challenge the dispositive untimeliness determination, we do not reach the merits of his exceptional circumstances claim.

Quecara-Castillo's contention that the BIA erred in summarily affirming the IJ's decision is without merit. *See* 8 C.F.R. § 1003.1(e)(4)(i); *Tijani v. Holder*, 628 F.3d 1071, 1074 n.1 (9th Cir. 2010).

PETITION FOR REVIEW DENIED.