

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 21 2018

FOR THE NINTH CIRCUIT

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

AN-DI PAN,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-73192

Agency No. A072-337-286

MEMORANDUM*

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

Submitted March 16, 2018**
San Francisco, California

Before: WALLACE and BERZON, Circuit Judges, and MUELLER,*** District
Judge.

Pan petitions for review of the Board of Immigration Appeals' denial of his
motion to reopen deportation proceedings. We review for an abuse of discretion,

* 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 Honorable Kimberly J. Mueller, United States District Judge for
the Eastern District of California, sitting by designation.

He v. Gonzales, 501 F.3d 1128, 1130 (9th Cir. 2007), and deny the petition. Pan failed to show an increase in the enforcement of China's sterilization or other population control policies since his final order of deportation in 1994. *Feng Gui Lin v. Holder*, 588 F.3d 981, 988-89 (9th Cir. 2009). At most, the evidence Pan submitted shows a continuation of existing policies. Because Pan has provided insufficient support to excuse his untimely motion to reopen, the Board did not abuse its discretion when it denied the motion. *He*, 501 F.3d at 1133. We do not consider Pan's asylum claim. *Feng Gui Lin*, 588 F.3d at 989.

PETITION DENIED.