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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHOGHIK HOVHANNISYAN,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-70737

Agency No. A097-356-760

MEMORANDUM*

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

Submitted March 8, 2018**
Pasadena, California

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

Shoghik Hovhannisyán, a native and citizen of Armenia, petitions for review of an order of the Board of Immigration Appeals denying her motion to reopen

* 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).

removal proceedings based on changed country conditions. We have jurisdiction under 8 U.S.C. § 1252(a), and we deny the petition.

We review for abuse of discretion the Board’s denial of a motion to reopen. *Cardoso-Tlaseca v. Gonzales*, 460 F.3d 1102, 1106 (9th Cir. 2006). We reverse the denial “only if the Board acted arbitrarily, irrationally, or contrary to law.” *Martinez-Hernandez v. Holder*, 778 F.3d 1086, 1088 (9th Cir. 2015) (per curiam) (citation omitted). The BIA did not abuse its discretion in denying Hovhannisyan’s motion. A noncitizen generally may file only one motion to reopen removal proceedings, and such motion must be filed no later than ninety days after entry of a final order of removal. 8 U.S.C. § 1229a(c)(7)(A), (C)(i). Hovhannisyan’s motion to reopen was her second, and it was filed more than five years after the BIA’s order of removal.

These restrictions may be excused if the petitioner presents material and previously unavailable evidence of changed country conditions that establish prima facie eligibility for the relief sought. *Toufighi v. Mukasey*, 538 F.3d 988, 996 (9th Cir. 2008); 8 C.F.R. § 1003.2(c)(3)(ii). Hovhannisyan has not established that this exception applies to her case. Although her submitted materials indicate ongoing skirmishes between Azerbaijan and Armenia, they do not suggest that conditions are “qualitatively different” than in the years preceding her initial hearing. *Malty v.*

Ashcroft, 381 F.3d 942, 945–46 (9th Cir. 2004). Even accepting Hovhannisyan’s assertion that conditions in Armenia deteriorated during the relevant period, Hovhannisyan has not demonstrated prima facie eligibility for any form of relief. Hovhannisyan has not demonstrated eligibility for asylum because the treatment that she describes does not rise to the level of persecution. Hovhannisyan has also not demonstrated eligibility for withholding or for relief under the Convention Against Torture. *See Tamang v. Holder*, 598 F.3d 1083, 1091 (9th Cir. 2010); *Madrigal v. Holder*, 716 F.3d 499, 508 (9th Cir. 2013).

PETITION FOR REVIEW DENIED.