NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MULYADI CHANDRA,	No. 07-72229
Petitioner,	Agency No. A096-362-472
v.	
ERIC H. HOLDER, Jr., Attorney General,	MEMORANDUM*
Respondent.	

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Mulyadi Chandra, a native and citizen of Indonesia, petitions for review of

the Board of Immigration Appeals' order summarily affirming an immigration

judge's ("IJ") decision denying his motion to reopen removal proceedings

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*   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).

conducted in absentia. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and de novo questions of law, including claims of ineffective assistance of counsel. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny in part and dismiss in part the petition for review.

The IJ did not abuse his discretion in denying Chandra's motion to reopen because the evidence was insufficient to establish "exceptional circumstances" under 8 U.S.C. § 1229a(e)(1), *Celis-Castellano v. Ashcroft*, 298 F.3d 888, 892 (9th Cir. 2002) (agency properly denied motion to reopen supported only by alien's declaration that he suffered an asthma attack and hospital form did not indicate severity of illness), and because Chandra was not represented by counsel at the time that his hearing notices were issued.

We lack jurisdiction to address Chandra's contention that his proceedings warrant reopening based on a meritorious asylum claim because he failed to raise it before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.