

JAN 27 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANA GONZALEZ-CRUZ, AKA Adelfa
Cruz,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-71776

Agency No. A200-694-889

MEMORANDUM*

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

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Ana Gonzalez-Cruz, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her motion to reopen removal proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review

* 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).

for abuse of discretion the denial of a motion to reopen, *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005), and we deny the petition for review.

The agency did not abuse its discretion in denying Gonzalez-Cruz's motion to reopen. Gonzalez-Cruz was personally served with the hearing notice for her July 10, 2012, hearing, and failed to show that exceptional circumstances caused her to miss her July 10, 2012, hearing, where the declaration accompanying her motion to reopen asserts that an officer from the Intensive Supervision Appearance Program informed her that her June 2012 hearing was cancelled. *See* 8 C.F.R. § 1003.23(b)(4)(ii); *Khan v. Ashcroft*, 374 F.3d 825, 828 (9th Cir. 2004) (actual notice is sufficient to meet due process requirements); 8 U.S.C. § 1229a(e)(1) (defining the term "exceptional circumstances").

PETITION FOR REVIEW DENIED.