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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANKLIN MANRIQUE CORTEZ  
CHAVEZ,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-70111

Agency No. A070-965-637

MEMORANDUM\*

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

Submitted February 24, 2016\*\*

Before: LEAVY, FERNANDEZ, and RAWLINSON, Circuit Judges.

Franklin Manrique Cortez Chavez, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his motion to reopen removal proceedings conducted in absentia. We have jurisdiction under 8 U.S.C.

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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).

§ 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 as untimely Cortez Chavez's motion to reopen, where it was filed approximately sixteen years after issuance of his final order of removal, and Cortez Chavez does not challenge the agency's determination that he received proper notice of the hearing. *See* 8 U.S.C. § 1229a(b)(5)(C); 8 C.F.R. § 1003.23(b)(4)(ii). In addition, he failed to establish that he warranted equitable tolling of the filing deadline, where he did not meet the procedural requirements set forth in *Matter of Lozada*, 19 I. & N. Dec. 637 (BIA 1988), *Singh v. Holder*, 658 F.3d 879, 884 (9th Cir. 2011), and the alleged ineffective assistance is not plain on the face of the record, *see Reyes v. Ashcroft*, 358 F.3d 592, 597-98 (9th Cir. 2004).

Finally, the agency did not violate due process in denying Cortez Chavez's motion, because he failed to show prejudice. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000).

**PETITION FOR REVIEW DENIED.**