

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 3 2016

FOR THE NINTH CIRCUIT

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

IGNACIO CEDILLO BARCENAS;  
MARIA DEL CARMEN ESTRADA DE  
CEDILLO,

Petitioners,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-70174

Agency Nos. A073-935-612  
A073-935-619

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.

Ignacio Cedillo Barcenas and Maria Del Carmen Estrada De Cedillo, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen removal proceedings. We have

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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).

jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA’s denial of a motion to reopen, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and we deny the petition for review.

The BIA did not abuse its discretion in denying petitioners’ second motion to reopen as untimely and number-barred because the motion was filed over four years after the BIA’s final decision, *see* 8 C.F.R. § 1003.2(c)(2), and petitioners failed to establish materially changed circumstances in Mexico to qualify for the regulatory exception to the time limitations for motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir.2010) (evidence lacked materiality because it simply recounted “generalized conditions” in country that did not show petitioner’s situation was “appreciably different from the dangers faced by her fellow citizens”). Further, we reject petitioners’ contentions that the BIA failed to consider arguments or record evidence, *see Najmabadi*, 597 F.3d at 990-91 (BIA adequately considered evidence and sufficiently announced its decision).

**PETITION FOR REVIEW DENIED.**