

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 22 2016

FOR THE NINTH CIRCUIT

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

SALVADOR CASTRO-FUENTES,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-72736

Agency No. A077-104-763

MEMORANDUM\*

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

Submitted March 15, 2016\*\*

Before: GOODWIN, LEAVY, and CHRISTEN, Circuit Judges.

Salvador Castro-Fuentes, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA's denial of a motion

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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).

to reopen. *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010). We deny the petition for review.

The BIA did not abuse its discretion in denying Castro-Fuentes' motion to reopen because it was untimely and Castro-Fuentes did not establish materially changed circumstances in El Salvador affecting his eligibility for relief as to overcome the time limitation for motions to reopen. *See* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi*, 597 F.3d at 987-90 (evidence must be “qualitatively different” to warrant reopening). We reject Castro-Fuentes' contention that the BIA ignored evidence. *See Najmabadi*, 597 F.3d at 990-91 (the BIA adequately considered the evidence and sufficiently announced its decision).

**PETITION FOR REVIEW DENIED.**