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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEAKHANA UONG, AKA Leakhana  
Mamuth,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 15-70301

Agency No. A059-523-890

MEMORANDUM\*

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

Submitted April 26, 2016\*\*

Before: McKEOWN, WARDLAW, and PAEZ, Circuit Judges.

Leakhana Uong, a native and citizen of Cambodia, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen.

We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the

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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).

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

The BIA abused its discretion in denying Uong's motion to reopen on the ground that her evidence "merely list[ed] the same address" as her spouse, where she provided substantially more evidence of the bona fides of her marriage than the BIA's decision indicated. *See* 8 U.S.C. § 1255(e)(3). We remand for the agency to redetermine whether Uong has presented clear and convincing evidence of a bona fide marriage.

**PETITION FOR REVIEW GRANTED; REMANDED.**