

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 21 2019

FOR THE NINTH CIRCUIT

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

ROSA BERENICE GUERRERO
GONZALEZ,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 14-70428

Agency No. A074-817-993

MEMORANDUM*

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

Submitted February 19, 2019**

Before: FERNANDEZ, SILVERMAN, and WATFORD, Circuit Judges.

Rosa Berenice Guerrero Gonzalez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen removal proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Najmabadi v. Holder, 597 F.3d 983, 986 (9th Cir. 2010), and we dismiss in part and deny in part the petition for review.

We lack jurisdiction to consider the social group that Guerrero Gonzalez raises for the first time in her opening brief. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004) (petitioner must exhaust issues or claims in administrative proceedings below).

The BIA did not abuse its discretion in denying Guerrero Gonzalez's second untimely motion to reopen where Guerrero Gonzalez failed to establish prima facie eligibility for asylum, withholding of removal, or relief under the Convention Against Torture. *See Najmabadi*, 597 F.3d at 986 (the BIA can deny a motion to reopen for failure to establish prima facie eligibility for the relief sought).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.