

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 11 2020

FOR THE NINTH CIRCUIT

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

PEDRO RICARDO MENDIOLA,

No. 14-73911

Petitioner,

Agency No. A070-037-978

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted March 3, 2020**

Before: MURGUIA, CHRISTEN, and BADE, Circuit Judges.

Pedro Ricardo Mendiola, a native of the Philippines, 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 denial of a motion to reopen. *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010). We review de novo claims of due

* 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).

process violations in immigration proceedings. *Jiang v. Holder*, 754 F.3d 733, 738 (9th Cir. 2014). We deny the petition for review.

The BIA did not abuse its discretion in denying Mendiola's motion to reopen as untimely where he filed it more than five years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and where he failed to demonstrate materially changed country conditions in the Philippines to qualify for an exception to the time limitations for motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi*, 597 F.3d at 987-91 (evidence must be "qualitatively different" to warrant reopening). We reject Mendiola's contentions that the BIA did not properly evaluate all of his evidence and failed to sufficiently explain its decision. *See Najmabadi*, 597 F.3d at 990 (the BIA adequately considered evidence and sufficiently announced its decision).

We reject Mendiola's contention that the BIA violated his due process rights. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error to prevail on a due process claim).

We reject as unsupported by the record Mendiola's contentions as to streamlining and numerical filing limitations because the BIA did not streamline his case or find that his motion to reopen was numerically barred.

PETITION FOR REVIEW DENIED.