

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 19 2020

FOR THE NINTH CIRCUIT

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

LUZ ELENA CATALAN,

No. 15-70004

Petitioner,

Agency No. A070-962-154

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted August 17, 2020**

Before: TROTT, SILVERMAN, and N.R. SMITH, Circuit Judges.

Luz Elena Catalan, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her third motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of

* 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).

discretion the denial of a motion to reopen. *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). We deny the petition for review.

The BIA did not abuse its discretion in concluding that Catalan failed to establish a prima facie case for the relief she sought and that she failed to establish that she qualified for the exception to the filing deadline and numerical limitation for motions to reopen by introducing previously unavailable, material evidence. 8 U.S.C. § 1229a(c)(7)(A), (C)(ii); 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010); *see also Catalan v. Holder*, 535 F. App'x 562 (9th Cir. 2013) (denying Catalan's previous petition for review). For example, as the BIA noted, Catalan did not introduce evidence showing that her father's death in 2007 or the result of the 2011 Guatemalan presidential election would lead to her facing persecution or torture, and the declaration she submitted in support of her motion to reopen does not reflect any threats made against her personally in 2008.

PETITION FOR REVIEW DENIED.