

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 16 2020

FOR THE NINTH CIRCUIT

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

JULIO CESAR NAJERA-MEJIA,

No. 16-71222

Petitioner,

Agency No. A073-000-124

v.

MEMORANDUM\*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted November 9, 2020\*\*

Before: THOMAS, Chief Judge, TASHIMA and W. FLETCHER, Circuit Judges.

Julio Cesar Najera-Mejia, a native and citizen of Honduras, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen and review de novo questions of law. *Iturribarria v. INS*, 321

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\* 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).

F.3d 889, 894 (9th Cir. 2003). We deny the petition for review.

The agency did not err in concluding that Najera-Mejia's motion to reopen is barred by 8 U.S.C. § 1231(a)(5). *See Padilla Cuenca v. Barr*, 956 F.3d 1079, 1085-87 (9th Cir. 2020) (“[8 U.S.C.] § 1231(a)(5) bars reopening a removal order that has been reinstated following [a noncitizen's] unlawful reentry into the United States”).

To the extent Najera-Mejia's motion falls within an exception to the bar at 8 U.S.C. § 1231(a)(5), the agency did not err or abuse its discretion in denying the motion for failure to establish exceptional circumstances. *See* 8 U.S.C. § 1229a(e)(1); *Valencia-Fragoso v. INS*, 321 F.3d 1204, 1205-06 (9th Cir. 2003) (no exceptional circumstances where petitioner misunderstood the time of her hearing).

The BIA provided sufficient reasoning in its decision. *See Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010).

**PETITION FOR REVIEW DENIED.**