

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 23 2021

FOR THE NINTH CIRCUIT

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

MARVIN ERICK VARGAS GARCIA,

No. 18-70250

Petitioner,

Agency No. A074-798-801

v.

MEMORANDUM\*

MERRICK B. GARLAND, Attorney  
General,

Respondent.

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

Submitted July 19, 2021\*\*

Before: SCHROEDER, SILVERMAN, and MURGUIA, Circuit Judges.

Marvin Erick Vargas Garcia, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen and remand. We have jurisdiction under 8 U.S.C. § 1252. We review the

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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).

BIA’s denial of a motion to reopen and remand for abuse of discretion. *Movsisian v. Ashcroft*, 395 F.3d 1095, 1098 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying Vargas Garcia’s motion to reopen and remand based on changed country conditions where he failed to establish prima facie eligibility for relief. See 8 C.F.R. § 1003.2(c)(3)(ii); *Ramirez-Munoz v. Lynch*, 816 F.3d 1226, 1228 (9th Cir. 2016) (the BIA may deny a motion to reopen for failure to establish prima facie eligibility for the relief sought); *Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003) (possibility of persecution “too speculative”). We reject as unsupported by the record Vargas Garcia’s contention that the agency ignored evidence, misstated the record, or otherwise erred in its analysis of his motion.

**PETITION FOR REVIEW DENIED.**