

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 9 2022

FOR THE NINTH CIRCUIT

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

RAMANJEET KAUR,

No. 19-71193

Petitioner,

Agency No. A206-456-018

v.

MEMORANDUM*

MERRICK B. GARLAND, Attorney
General,

Respondent.

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

Submitted June 2, 2022**

Before: SILVERMAN, KOH, and SANCHEZ, Circuit Judges.

Ramanjeet Kaur, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decision denying her motion to reopen removal proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

abuse of discretion the denial of a motion to reopen, and review de novo questions of law, including claims of due process violations. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The agency did not abuse its discretion in denying Kaur's motion to reopen as untimely, where she filed the motion more than two years after her final in absentia removal order. 8 U.S.C. § 1229a(b)(5)(C)(i) (in absentia removal order may be rescinded only upon a motion to reopen filed within 180 days after the date of the order of removal and only if the [applicant] demonstrates that the failure to appear was because of exceptional circumstances). Because Kaur fails to challenge the dispositive untimeliness determination, we do not reach the merits of her exceptional circumstances claim.

We are not persuaded by Kaur's contentions that the agency applied an incorrect legal standard or otherwise violated her right to due process.

PETITION FOR REVIEW DENIED.