

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2023

FOR THE NINTH CIRCUIT

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

BALDEV SINGH MANHANI,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-843

Agency No.
A097-545-859

MEMORANDUM*

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

Submitted July 13, 2023**
Seattle, Washington

Before: GRABER, GOULD, and PAEZ, Circuit Judges.

Petitioner Baldev Singh Manhani timely seeks review of the Board of Immigration Appeals’ (“BIA”) denial of his motion to reopen immigration proceedings. Reviewing for abuse of discretion, Hernandez-Ortiz v. Garland, 32 F.4th 794, 800 (9th Cir. 2022), we deny the petition.

The BIA acted within its discretion in concluding that Petitioner failed to

* 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).

show changed country conditions that would excuse the untimeliness of the motion to reopen. 8 C.F.R. § 1003.2(c)(3)(ii). The BIA permissibly concluded that the evidence in the record “does not reveal that conditions have materially changed or worsened” for Sikhs in India since the time of Petitioner’s 2016 removal hearing. For example, the 2019 country report neither mentions nor suggests deterioration of conditions for Sikhs in India. Some of the other evidence, which describes poor conditions for Sikhs, concerns the years 2013–2015 and thus fails to support Petitioner’s assertion that conditions have worsened since 2016. The BIA was not compelled to conclude that conditions have worsened solely because of a single article’s assertion that “violence against Sikhs appears to be increasing.” See Hernandez-Ortiz, 32 F.4th at 800 (holding that, when reviewing for abuse of discretion, “we must uphold the agency’s decision unless it is arbitrary, irrational, or contrary to law” (citation and internal quotation marks omitted)).

PETITION DENIED.