

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 8 2023

FOR THE NINTH CIRCUIT

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

CORAZON MACATANGAY BAGSIC,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 21-305

Agency No.
A072-309-666

MEMORANDUM*

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

Submitted July 18, 2023**

Before: SCHROEDER, RAWLINSON, and BADE, Circuit Judges.

Corazon Macatangay Bagsic, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen removal proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010). We

* 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).

deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Bagsic's motion to reopen as number-barred and untimely where it was the third such motion and was filed more than sixteen years after the final removal order, *see* 8 C.F.R. § 1003.2(c), and Bagsic has not established that equitable tolling of the filing deadline is warranted, *see Avagyan v. Holder*, 646 F.3d 672, 679 (9th Cir. 2011) (deadline may be equitably tolled when petitioner is prevented from filing because of deception, fraud, or error, and petitioner acts with due diligence in discovering such circumstances).

In light of this disposition, we need not reach Bagsic's remaining contentions regarding her eligibility for relief. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) (courts and agencies are not required to decide issues unnecessary to the results they reach).

We do not consider Bagsic's due process contentions because the BIA did not decide these issues, *see Santiago-Rodriguez v. Holder*, 657 F.3d 820, 829 (9th Cir. 2011) (review limited to the grounds relied on by the BIA), and Bagsic does not contend the BIA erred in finding that her due process claims were not properly before it, *see Corro-Barragan v. Holder*, 718 F.3d 1174, 1177 n.5 (9th Cir. 2013) (failure to contest issue in opening brief resulted in waiver).

The temporary stay of removal remains in place until the mandate issues.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.