

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 18 2024

FOR THE NINTH CIRCUIT

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

HECTOR CULPATAN XINICO,

Petitioner,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 23-2057

Agency No.  
A205-720-671

MEMORANDUM\*

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

Submitted September 13, 2024\*\*  
Pasadena, California

Before: FRIEDLAND and DESAI, Circuit Judges, and SCHREIER, District  
Judge.\*\*\*

Hector Culpatan Xinico, a native and citizen of Guatemala, petitions for  
review of the Board of Immigration Appeals' ("BIA") denial of his motion to

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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).

\*\*\* The Honorable Karen E. Schreier, United States District Judge for the  
District of South Dakota, sitting by designation.

reopen. We deny the petition.

Culpatan Xinico's only argument in his petition for review is that the BIA erred in denying his motion to reopen because he offered new, material evidence of changed conditions in Guatemala that was not available and would not have been discovered or presented at his previous removal proceeding. Culpatan Xinico has forfeited any argument on that point: His opening brief states only that country conditions are "far worse" than when he was first ordered removed, but he cites nothing in the record to support that assertion. *Christian Legal Soc'y Chapter of Univ. of Cal. v. Wu*, 626 F.3d 483, 487–88 (9th Cir. 2010) (explaining that we will not consider bare assertions unsupported by legal argument).

**PETITION DENIED.**<sup>1</sup>

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<sup>1</sup> The temporary stay of removal remains in place until the mandate issues. The motion for a stay of removal (Dkt. No. 3) is otherwise denied.