

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 26 2026

FOR THE NINTH CIRCUIT

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

GURBHIAN SINGH,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 20-72850

Agency No.
A202-010-599

MEMORANDUM*

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

Submitted October 22, 2026**
Pasadena, California

Before: BUMATAY, VANDYKE, and MENDOZA, JR., Circuit Judges.

Petitioner Gurbhian Singh, a native and citizen of India, petitions for review of an order of the Board of Immigration Appeals (“BIA”) denying as untimely his motion to reopen a prior BIA decision. We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

* 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).

1. The BIA did not abuse its discretion or otherwise commit legal error in concluding that Singh did not qualify for the changed conditions exception to the 90-day time limit for filing a motion to reopen. *See* 8 C.F.R § 1003.2(c)(2)–(3). To qualify for the changed conditions exception, a petitioner must present material evidence of changed country conditions that was unavailable or undiscoverable at the time of the prior hearing. *Id.* This evidence must show “that a petitioner who previously did not have a legitimate claim for asylum now has a well-founded fear of future persecution.” *Malty v. Ashcroft*, 381 F.3d 942, 945 (9th Cir. 2004).

In his motion to reopen, Singh presented evidence that Punjabi police had come to his parents’ home in search of him. The police beat and filed a false FIR (First Information Report) against his father. Members of an opposition political party also accosted his father with questions about Singh’s whereabouts and then assaulted him. But these attacks happened in the same locality as the events giving rise to Singh’s first asylum claim. This is relevant because the original BIA decision was based on the conclusion that Singh could reasonably relocate in India. Singh’s evidence of events in the same locality is not material because it does not “rebut the agency’s finding that provided the basis for denying relief previously.” *Reyes-Corado v. Garland*, 76 F.4th 1256, 1263 (9th Cir. 2023) (simplified). The evidence does not affect whether Singh could relocate within India. So the BIA did not abuse

its discretion in deciding that this was not material evidence of changed country conditions.

Singh's motion to reopen also presented evidence about India's landlord-tenant verification law. But the BIA addressed India's landlord-tenant law in their original decision. So Singh's evidence is not evidence of *changed* country conditions. Again, the BIA did not abuse its discretion in deciding that this evidence was not material evidence of changed country conditions.

2. The BIA did not deny Singh his due process rights. A successful due process claim requires petitioner to prove that “(1) the proceeding was so fundamentally unfair that the alien was prevented from reasonably presenting his case, and (2) the alien demonstrates prejudice, which means that the outcome of the proceeding may have been affected by the alleged violation.” *Pangilinan v. Holder*, 568 F.3d 708, 709 (9th Cir. 2009) (simplified). Here, Singh claims that the BIA violated his due process rights by “failing to properly weight the evidentiary record” and leaping “to unsupported conjecture.” But the BIA's decision was on the evidence provided in Singh's motion to reopen. The BIA explicitly addressed Singh's evidence regarding the assaults on his father and India's landlord-tenant verification system. A reasoned decision that addresses a petitioner's evidence indicates that the proceeding was not “so fundamentally unfair that the alien was

prevented from reasonably presenting his case.” *Id.* So there was no due process violation.

PETITION DENIED.¹

¹ The motion to stay removal (**Dkt. 1**) is denied.