

MAY 19 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANDRIAN SUTHENO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 12-70405

Agency No. A098-807-364

MEMORANDUM*

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

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Andrian Sutheno, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his 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

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

F.3d 983, 986 (9th Cir. 2010). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Sutheno's motion to reopen because it was untimely, *see* 8 C.F.R. § 1003.2(c)(2), and Sutheno failed to establish materially changed circumstances in Indonesia so as to qualify for the regulatory exception to the time limitations for motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3); *see also Najmabadi*, 597 F.3d at 987 (evidence must be “qualitatively different from the evidence presented at the previous hearing” to warrant reopening).

We lack jurisdiction to consider any contention by Sutheno challenging the BIA's rejection of his request for sua sponte reopening. *See Minasyan v. Mukasey*, 553 F.3d 1224, 1229 (9th Cir. 2009).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.