

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 14 2017

FOR THE NINTH CIRCUIT

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

BAMBANG SUGIHARTO,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 14-70920

Agency No. A096-361-933

MEMORANDUM*

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

Submitted August 9, 2017**

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

Bambang Sugiharto, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA's denial of a motion to reopen, *Najmabadi v. Holder*, 597 F.3d

* 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).

983, 986 (9th Cir. 2010), and we deny the petition for review.

The BIA did not abuse its discretion in denying Sugiharto's motion to reopen because he filed it more than five years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and the motion failed to establish materially changed country conditions in Indonesia to qualify for the regulatory exception to the limitations imposed on filing a motion to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii), *see Toufighi v. Mukasey*, 538 F.3d 988, 996-97 (9th Cir. 2008) (evidence was immaterial in light of prior adverse credibility determination).

PETITION FOR REVIEW DENIED.