

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 24 2016

FOR THE NINTH CIRCUIT

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

PETAR DONCHEV BAKALOV,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-71856

Agency No. A096-355-758

MEMORANDUM*

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

Submitted June 14, 2016**

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

Petar Donchev Bakalov, a native and citizen of Bulgaria, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his fourth motion to reopen removal 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*

* 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).*

v. Holder, 597 F.3d 983, 986 (9th Cir. 2010). We deny the petition for review.

The BIA did not abuse its discretion in denying Bakalov’s fourth motion to reopen where it was filed nine years after his order of removal became final, *see* 8 C.F.R. § 1003.2(c)(2), and Bakalov failed to establish he qualified for an exception to the time and number limitations for filing a motion to reopen, *see* 8 C.F.R. §1003.2(c)(3)(ii); *Toufighi v. Mukasey*, 538 F.3d 988, 996 (9th Cir. 2008). We reject Bakalov’s contention that the BIA did not consider and assess the relevant evidence. *See Najmabadi*, 597 F.3d at 990 (BIA adequately considered the evidence and sufficiently announced its decision).

We deny Bakalov’s request for fees and decline to consider Bakalov’s due process claim. *See Bazuaye v. INS*, 79 F.3d 118, 120 (9th Cir. 1996) (“Issues raised for the first time in the reply brief are waived.”).

PETITION FOR REVIEW DENIED.