

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 21 2017

FOR THE NINTH CIRCUIT

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

HAMBARDZUM MIRZOYAN,

No. 14-71934

Petitioner,

Agency No. A079-467-027

v.

MEMORANDUM \*

JEFFERSON B. SESSIONS III, Attorney  
General,

Respondent.

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

Submitted April 11, 2017\*\*

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Hambardzum Mirzoyan, a native and citizen of Armenia, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We

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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).

review for abuse of discretion the denial of a motion to reopen. *Salim v. Lynch*, 831 F.3d 1133, 1137 (9th Cir. 2016). We deny the petition for review.

The BIA did not abuse its discretion in denying Mirzoyan's motion to reopen as untimely, where it was filed nearly ten years after his final administrative order of removal, and he failed to establish materially changed country conditions in Armenia to qualify for the regulatory exception to the filing deadline. *See* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi v. Holder*, 597 F.3d 983, 987-89 (9th Cir. 2010) (holding that the country reports submitted with the motion to reopen described conditions similar to those found in the previously provided reports; the new evidence must be "qualitatively different" to warrant reopening).

**PETITION FOR REVIEW DENIED.**