

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 15 2017

FOR THE NINTH CIRCUIT

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

QIANYUE WU,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-70831

Agency No. A095-649-009

MEMORANDUM *

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

Submitted March 8, 2017**

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Qianyue Wu, a native and citizen of China, 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 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 Wu's motion to reopen as untimely, where it was filed more than four years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and Wu failed to establish materially changed circumstances in China as to either of his claims to qualify for the regulatory exception to the time limit for filing a motion to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *see Najmabadi*, 597 F.3d at 987-89 (evidence must be "qualitatively different" to warrant reopening). To the extent Wu contends his third child was born after his 2008 hearing, we reject his contention as contrary to the record.

PETITION FOR REVIEW DENIED.