

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 19 2017

FOR THE NINTH CIRCUIT

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

SARABJIT SINGH,

No. 16-70211

Petitioner,

Agency No. A096-165-814

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.

Sarabjit Singh, a native and citizen of India, 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. 2008), and we deny the petition for review.

The BIA did not abuse its discretion in denying Singh's second motion to reopen, where Singh filed it more than eight years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and where Singh failed to demonstrate changed country conditions in India 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), *Najmabadi*, 597 F.3d at 987-90 (evidence must be "qualitatively different" to warrant reopening); *see also 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.