

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 3 2017

FOR THE NINTH CIRCUIT

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

DEWAN CHAND, Dewand Chand AKA  
Dewan Puri,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney  
General,

Respondent.

No. 16-71842

Agency No. A038-634-403

MEMORANDUM\*

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

Submitted October 23, 2017\*\*

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

Dewan Chand, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his third untimely motion to reopen removal proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review

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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).

the BIA's denial of a motion to reopen for abuse of discretion. *Avagyan v. Holder*, 646 F.3d 672, 678 (9th Cir. 2011). We deny the petition for review.

The BIA did not abuse its discretion in denying Chand's motion to reopen as time and number barred, where it was his third such motion, he filed it more than eleven years after the filing deadline, and he failed to demonstrate that any exception to the time or number bars was warranted. *See* 8 U.S.C. § 1229a(c)(7)(A) & (C); 8 C.F.R. § 1003.2(c)(2), (c)(3)(i)-(iv) & (3); *Avagyan*, 646 F.3d at 679.

Because these determinations are dispositive, we need not reach Chand's contentions regarding his eligibility for adjustment of status or a waiver of inadmissibility. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) (courts and agencies are not required to reach non-dispositive issues).

Chand's motion for a stay of removal is denied as moot.

**PETITION FOR REVIEW DENIED.**