NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

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

FELIPE AYALA-ALVARADO, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 10-70408 Agency No. A097-863-589 MEMORANDUM*

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

Submitted February 17, 2015**

Before: O'SCANNLAIN, LEAVY, and FERNANDEZ, Circuit Judges.

Felipe Ayala-Alvarado, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") denial of 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 9th Cir. R. 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. *Najmabadi 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 Ayala-Alvarado's untimely and number-barred motion to reopen, *see* 8 C.F.R. § 1003.2(c)(2), because he failed to present material evidence of changed circumstances in Mexico to qualify for the regulatory exception to the time and number limitations for motions to reopen, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi*, 597 F.3d at 990 (a petitioner's evidence lacks the required materiality where it simply recounts generalized conditions that fail to demonstrate "that her predicament is appreciably different from the dangers faced by her fellow citizens").

PETITION FOR REVIEW DENIED.