

SEP 30 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SYAHRONI ZAKIR,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-72176

Agency No. A095-634-656

MEMORANDUM*

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

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Syahroni Zakir, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his motion to reopen removal proceedings.

We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the

* 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).

BIA's denial of a motion to reopen. *Toufighi v. Mukasey*, 538 F.3d 988, 992 (9th Cir. 2008). We deny the petition for review.

The agency did not abuse its discretion in denying Zakir's untimely motion to reopen where the motion was filed more than a year after the BIA's final decision, *see* 8 C.F.R. § 1003.2(c)(2), and Zakir's evidence did not establish prima facie eligibility for asylum, *see INS v. Abuda*, 485 U.S. 94, 104 (1988) (the BIA may deny a motion to reopen for failure to establish a prima facie case for the underlying relief sought); *Maroufi v. INS*, 772 F.2d 597, 599 (9th Cir. 1985) (no prima facie case established where "affidavit and application for asylum consisted solely of conclusory and speculative inferences drawn from generalized events").

Zakir's contentions that the agency ignored evidence and that the BIA applied an incorrect burden of proof are not supported by the record.

PETITION FOR REVIEW DENIED.