

DEC 21 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SELVIN RAUL ACUNA-CHINCHILLA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-72744

Agency No. A074-428-563

MEMORANDUM*

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

Submitted December 19, 2012**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Selvin Raul Acuna-Chinchilla, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his motion to reopen deportation proceedings held in absentia. Our jurisdiction is governed by 8 U.S.C. § 1252.

* 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).

We 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 in part and dismiss in part the petition for review.

The agency did not abuse its discretion in denying Acuna-Chinchilla's motion where Acuna-Chinchilla failed to provide evidence of materially changed conditions or circumstances in Guatemala for purposes of seeking asylum. *See* 8 C.F.R. § 1003.23(b)(4)(i).

We lack jurisdiction to review Acuna-Chinchilla's contention regarding the lack of oral notice of his hearing in Spanish because he failed to raise that contention before the agency, and thereby failed to exhaust his administrative remedies. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) (no jurisdiction to review contentions not raised before the agency).

Acuna-Chinchilla's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.