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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ZHIYAN JIN,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 12-72654

Agency No. A088-292-975

MEMORANDUM*

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

Submitted November 5, 2015**
Pasadena, California

Before: SCHROEDER and FRIEDLAND, Circuit Judges and CHHABRIA,^{***}
District Judge.

* 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).

*** The Honorable Vince G. Chhabria, United States District Judge for the Northern District of California, sitting by designation.

Petitioner Zhiyan Jin is a native and citizen of the People's Republic of China. Jin petitions for review of the Board of Immigration Appeals' ("BIA") order denying her petition for asylum.

An application for asylum must be filed within one year of the alien's arrival in the United States. The alien has the burden of proving by clear and convincing evidence that the application was timely filed. 8 U.S.C. § 1158(a)(2)(B). The Immigration Judge ("IJ") found that Jin had not met this burden and the BIA agreed.

This court lacks jurisdiction to review the IJ's or BIA's finding that an asylum application is untimely. 8 U.S.C. § 1158(a)(3). While we retain jurisdiction to review the agency's timeliness-related rulings where the alien raises a question of law or constitutional claim, 8 U.S.C. § 1252(a)(2)(D), *Singh v. Holder*, 649 F.3d 1161, 1164 (9th Cir. 2011) (en banc), Jin raises neither.

The petition for review is **DENIED**.