

DEC 19 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUIS MAURICIO AGUILAR MEJIA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-73185

Agency No. A094-312-424

MEMORANDUM*

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

Submitted December 14, 2016**

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

Luis Mauricio Aguilar Mejia, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen.

* 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).

Mohammed v. Gonzales, 400 F.3d 785, 791 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying Aguilar Mejia’s motion to reopen as untimely, where the motion was filed more than six years after his final order of removal, *see* 8 C.F.R. § 1003.2(c)(2), he has not demonstrated that he warrants equitable tolling of the filing deadline, *see Avagyan v. Holder*, 646 F.3d 672, 679 (9th Cir. 2011) (requiring due diligence for equitable tolling), and he failed to present sufficient evidence of changed country conditions in El Salvador to qualify for the regulatory exception to the filing deadline, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *see also Almaraz v. Holder*, 608 F.3d 638, 640 (9th Cir. 2010) (“[E]ven if a change in personal circumstances is sufficient to file a successive asylum petition under [8 U.S.C.] § 1158(a)(2)(D), a change in country conditions must still be demonstrated if the accompanying motion to reopen is untimely.”).

In light of this disposition, we do not reach Aguilar Mejia’s remaining contentions.

PETITION FOR REVIEW DENIED.