

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 15 2017

FOR THE NINTH CIRCUIT

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

HENDY RIYANTO HO and FNU LILY,

No. 14-73709

Petitioners,

Agency Nos. A089-780-547

A089-780-548

v.

JEFFERSON B. SESSIONS III, Attorney
General,

MEMORANDUM *

Respondent.

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

Submitted March 8, 2017**

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Hendy Riyanto Ho and Lily, natives and citizens of Indonesia, petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA's denial of a motion to reopen, *Najmabadi*

* 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).

v. Holder, 597 F.3d 983, 986 (9th Cir. 2010), and we deny the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to reopen as untimely, where they filed it more than a year after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and where petitioners failed to establish materially changed circumstances in Indonesia to qualify for the regulatory exception to the time limitation for filing a motion to reopen, *see* 8 C.F.R. 1003.2(c)(3)(ii); *Najmabadi*, 597 F.3d at 987-90 (evidence must be "qualitatively different" to warrant reopening). We reject petitioners' contention that the BIA erred in its analysis. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) ("As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.") (internal quotation marks and citation omitted).

PETITION FOR REVIEW DENIED.