

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 20 2022

FOR THE NINTH CIRCUIT

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

MARIA TRINDAD RODRIGUEZ-
FREGOSO,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 15-72895

Agency No. A201-289-483

MEMORANDUM*

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

Submitted May 17, 2022**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Maria Trinidad Rodriguez-Fregoso, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her 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.

* 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).

Oyeniran v. Holder, 672 F.3d 800, 806 (9th Cir. 2012). We deny the petition for review.

The BIA did not abuse its discretion in denying Rodriguez-Fregoso's motion to reopen where she failed to demonstrate that the evidence she sought to offer was not available and could not have been discovered or presented at the former hearing. *See* 8 C.F.R. § 1003.2(c)(1); *Guzman v. I.N.S.*, 318 F.3d 911, 913 (9th Cir. 2003) (no abuse of discretion where evidence was previously available and capable of discovery prior to former hearing).

The temporary stay of removal remains in place until issuance of the mandate.

PETITION FOR REVIEW DENIED.