

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 13 2018

FOR THE NINTH CIRCUIT

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

RAUL E. LITONJUA, Jr.,

No. 16-73912

Petitioner,

Agency No. A044-374-442

v.

MEMORANDUM\*

JEFFERSON B. SESSIONS III, Attorney  
General,

Respondent.

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

Submitted July 10, 2018\*\*

Before: CANBY, W. FLETCHER, and CALLAHAN, Circuit Judges.

Raul E. Litonjua, Jr., a native and citizen of the Philippines, 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, *Najmabadi v.*

---

\* 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).

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

In denying Litonjua's motion to reopen, the BIA limited its review to Litonjua's claim for deferral of removal under CAT because it found that Litonjua's motion did not address the underlying particularly serious crime conviction which rendered him ineligible for asylum and withholding of removal. In his opening brief, Litonjua does not challenge the BIA's finding. *See Corro-Barragan v. Holder*, 718 F.3d 1174, 1177 n.5 (9th Cir. 2013) (failure to contest issue in opening brief resulted in waiver). Thus, we deny the petition as to Litonjua's motion to reopen his asylum and withholding of removal claims.

Further, the BIA did not abuse its discretion by denying Litonjua's untimely motion to reopen his claim for deferral of removal under CAT because Litonjua failed to establish prima facie eligibility for CAT relief. *See* 8 C.F.R. § 1003.2(c)(3)(ii); *Cano-Merida v. INS*, 311 F.3d 960, 965-66 (9th Cir. 2002) (no abuse of discretion in denying motion to reopen where petitioner did not establish prima facie eligibility for CAT relief).

**PETITION FOR REVIEW DENIED.**