

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 24 2019

FOR THE NINTH CIRCUIT

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

MELITON CARRILLO ROSALES,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

Nos. 17-72985
19-71422

Agency No. A200-244-536

MEMORANDUM*

On Petition for Review of Orders of the
Board of Immigration Appeals

Submitted September 18, 2019**

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

Meliton Carrillo Rosales, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) orders denying his motions to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for an abuse of discretion the BIA’s denial of a motion to reopen. *Agonafer v. Sessions*, 859 F.3d 1198, 1203 (9th Cir. 2017). We deny the petitions for

* 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).

review.

As to petition No. 17-72985, the BIA did not abuse its discretion in denying Carrillo Rosales's second untimely motion to reopen because he failed to establish changed country conditions in Mexico to qualify for an exception to the time and number limitations for motions to reopen. *See* 8 C.F.R. § 1003.2(c)(3)(ii); *Najmabadi v. Holder*, 597 F.3d 983, 990-91 (9th Cir. 2010) (evidence must be “qualitatively different” to warrant reopening).

Carrillo-Rosales's request to terminate proceedings, as set forth in his opening brief, is denied.¹

As to petition No. 19-71422, the BIA did not abuse its discretion in denying Carillo Rosales's motion to reopen and terminate proceedings. *See Karingithi v. Whitaker*, 913 F.3d 1158, 1160-62 (9th Cir. 2019) (initial notice to appear need not include time and date information to vest jurisdiction in the immigration court).

The government's motion for summary disposition (Docket Entry No. 11 in No. 19-71422) is granted because the questions raised by the petition for review in No. 19-71422 are so insubstantial as not to require further argument. *See United*

¹ Carillo-Rosales's contention that the Notice to Appear did not contain the place of his removal hearing is unsupported by the record.

States v. Hooton, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard).

Carrillo Rosales's motion for a stay of removal (Docket Entry No. 5 in No. 19-71422) is denied as moot. The temporary stay of removal will terminate upon issuance of the mandate.

PETITIONS FOR REVIEW DENIED.