

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

MAR 19 2019

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

KWET LIONG,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-70912

Agency No. A088-291-902

MEMORANDUM\*

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

Submitted March 12, 2019\*\*

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

Kwet Liong, a native and citizen of Indonesia, 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, *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010), and

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\* 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).

we deny the petition for review.

The BIA did not abuse its discretion in denying Liong's untimely motion to reopen where Liong failed to establish prima facie eligibility for asylum, withholding of removal, or relief under the Convention Against Torture to qualify for an exception to the time limitation for motions to reopen. *See* 8 C.F.R. § 1003.2(c)(3)(ii); *see also Najmabadi*, 597 F.3d at 986 (the BIA can deny a motion to reopen for failure to establish a prima facie case for the relief sought); *Tampubolon v. Holder*, 610 F.3d 1056, 1062 (9th Cir. 2010) (petitioner's membership in the disfavored group of Christian Indonesians was not sufficient by itself to meet the burden of proof and some evidence of individualized risk was necessary for the petitioner to succeed) (internal quotation marks and citation omitted).

**PETITION FOR REVIEW DENIED.**