

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2019

FOR THE NINTH CIRCUIT

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

ASHRF MOHSEN FAHMY, AKA Ashraf
Mohsen Fahmy Mekhael,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-72967

Agency No. A088-115-587

MEMORANDUM*

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

Submitted September 18, 2019**

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

Ashrf Mohsen Fahmy, a native and citizen of Egypt, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying his motion to reopen removal proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252.

* 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 review for abuse of discretion the denial of a motion to reopen. *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010). We deny the petition for review.

The agency did not abuse its discretion in denying Fahmy's motion to reopen as untimely where he filed it more than nine years after the IJ's final removal order, *see* 8 C.F.R. § 1003.23(b)(4)(ii), and where he failed to demonstrate materially changed country conditions in Egypt to qualify for an exception to the time limitation for motions to reopen, *see* 8 C.F.R. § 1003.23(b)(4)(i); *Najmabadi*, 597 F.3d at 990-91 (evidence must be "qualitatively different" to warrant reopening). We reject as unsupported by the record Fahmy's contention that the agency did not properly evaluate all of his evidence and ignored his arguments.

PETITION FOR REVIEW DENIED.