

MAR 26 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>OSCAR LUIS BETTRAN-RIVERA,</p> <p style="text-align: center;">Petitioner</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent</p>
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No. 05-74503

Agency No. A98-346-694

MEMORANDUM*

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

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Oscar Luis Bettran-Rivera, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) decision denying his motion to reopen removal

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

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proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Salta v. INS*, 314 F.3d 1076, 1078 (9th Cir. 2002), we deny the petition for review.

Contrary to Bettran-Rivera's contention, the IJ did not abuse his discretion in denying the motion to reopen for failure to establish "exceptional circumstances" within the meaning of 8 U.S.C. § 1229a(b)(5)(C). *See* 8 U.S.C. § 1229a(e)(1) ("exceptional circumstances" include those beyond the alien's control, such as the serious illness of the alien, or the death or serious illness of an immediate relative, but not less compelling circumstances).

PETITION FOR REVIEW DENIED.