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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE VICENTE LOPEZ HERNANDEZ, Petitioner, v. ERIC H. HOLDER Jr., Attorney General, Respondent.	No. 06-74533 Agency No. A096-339-651 MEMORANDUM[*]

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

Submitted July 29, 2009[**]

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

Jose Vicente Lopez Hernandez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review

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[*] 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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for abuse of discretion the denial of a motion to reopen, *see Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and we deny the petition for review.

The BIA did not abuse its discretion in denying Lopez Hernandez's motion to reopen to apply for relief under the Convention Against Torture ("CAT") as untimely, because he did not file the motion within 90 days of the BIA's final order of removal, see 8 C.F.R. § 1003.2(c)(2), and he did not present material evidence of changed circumstances in Mexico to qualify for the regulatory exception to the time limit for filing motions to reopen, see 8 C.F.R. § 1003.2(c)(3)(ii).

We reject Lopez Hernandez's contention that there are no time limits for filing motions to reopen raising CAT claims.

PETITION FOR REVIEW DENIED.