

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 13, 2014

Lyle W. Cayce
Clerk

No. 13-60775
Summary Calendar

RAHIM MOMIN,

Petitioner

v.

ERIC H. HOLDER, JR., U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A099 875 665

Before REAVLEY, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Rahim Momin, a native and citizen of Pakistan, has petitioned for review of the Board of Immigration Appeals' (BIA) decision dismissing his appeal from the Immigration Judge's (IJ) denial of his motion to reopen the removal proceedings. The BIA determined that the motion did not meet the statutory requirements for a motion to reopen because the motion was not supported by evidence that materially affected Momin's eligibility for relief and which was

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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unavailable and could not have been discovered or presented at the removal hearing. *See* 8 C.F.R. §§ 1003.2(c)(1), 1003.23(b)(3). We review the decision on a motion to reopen under a “highly deferential abuse-of-discretion standard.” *Waggoner v. Gonzales*, 488 F.3d 632, 639 (5th Cir. 2007).

Momin contends that, in light of the totality of the evidence, he established a prima facie case for adjustment of status. However, he fails to present any argument that expressly addresses the basis upon which the BIA denied his motion to reopen, namely, that he had not shown that the photograph was material to his application for relief and was not previously available or could not have been discovered or presented at his former hearing. By failing to brief the issue of whether his motion satisfied the statutory requirements for a motion to reopen, which alone is a sufficient basis for denying the motion, *see Manzano-Garcia v. Gonzales*, 413 F.3d 462, 469 (5th Cir. 2005), Momin has abandoned any argument that the BIA abused its discretion in determining that he was not entitled to relief on his motion to reopen. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003). Therefore, his petition for review is DENIED.