

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-3083

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|--|---------------------------|
| Moin Khan, | * |
| | * |
| Petitioner, | * |
| | * |
| v. | * Petition for Review of |
| | * an Order of the Board |
| | * of Immigration Appeals. |
| Eric H. Holder, Jr., ¹ Attorney General | * |
| of the United States, | * [UNPUBLISHED] |
| | * |
| Respondent. | * |

Submitted: January 15, 2010
Filed: January 25, 2010

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Pakistani citizen Moin Khan petitions for review of an order of the Board of Immigration Appeals (BIA) denying his December 2007 motion to reopen.² After

¹Eric H. Holder, Jr., has been appointed to serve as Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

²We lack jurisdiction to review the merits of the underlying removal order, including Khan's challenge to the immigration judge's findings regarding the timeliness of his asylum application. See Raffington v. INS, 340 F.3d 720, 721, 724

careful review, we conclude the BIA did not abuse its discretion in denying the motion based on Khan's failure to establish--in the context of the alleged changed circumstances--prima facie eligibility for asylum, withholding of removal, and relief under the Convention Against Torture. See Habchy v. Filip, 552 F.3d 911, 912 (8th Cir. 2009) (standard of review); Minwalla v. INS, 706 F.2d 831, 834-35 (8th Cir. 1983) (no abuse of discretion in denying motion to reopen where alien's allegations did not establish prima facie case for substantive relief sought).

Accordingly, we deny the petition.

(8th Cir. 2003) (court reviewing denial of motion to reopen does not have jurisdiction to review underlying order); see also 8 U.S.C. § 1158(a)(3) (courts do not have jurisdiction to review any determination with respect to timeliness of asylum application).