

APR 24 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MONZUR AHMED,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-73179

Agency No. A075-499-776

MEMORANDUM*

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

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Monzur Ahmed, a native and citizen of Bangladesh, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his second motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for an abuse of discretion, *Toufighi v. Mukasey*, 538 F.3d 988, 992 (9th Cir. 2008), and we deny

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

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

the petition for review.

The BIA did not abuse its discretion in denying Ahmed's second motion to reopen as numerically-barred and untimely where it was filed over five years after the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and Ahmed failed to demonstrate materially changed circumstances in Bangladesh to qualify for the regulatory exception to the time and number limitation, *see* 8 C.F.R. § 1003.2(c)(3)(ii); *Toufighi*, 538 F.3d at 996-97.

PETITION FOR REVIEW DENIED.