

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

United States Court of Appeals
Fifth Circuit

FILED

April 6, 2011

Lyle W. Cayce
Clerk

No. 10-60434

Summary Calendar

ZHU DI ZHANG,

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. A077 316 786

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Zhu Di Zhang, a native and citizen of China, petitions for review of the Board of Immigration Appeals' (BIA) denial, as untimely, of his motion to reopen removal proceedings. Conceding that motion was filed outside the 90-day limitation period, Zhang contends the BIA abused its discretion by concluding he failed to demonstrate changed circumstances in China, justifying a reasonable fear of persecution and thereby satisfying an exception to the limitation period. *See* 8 C.F.R. § 1003.2(c)(2). Zhang maintains: his joining a

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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political group in the United States, that opposes the Chinese government, is a changed condition in China because of the Chinese government's awareness of his new political activism.

Our court has jurisdiction over the BIA's denial of an untimely motion to reopen deportation proceedings where petitioner files a motion "seeking to avail himself of the exception for 'changed circumstances' under 8 C.F.R. § 1003.2(c)(3)(ii)". *Panjwani v. Gonzales*, 401 F.3d 626, 632 (5th Cir. 2005). Denial of a motion to reopen is reviewed under a highly deferential abuse-of-discretion standard. *Lara v. Trominski*, 216 F.3d 487, 496 (5th Cir. 2000).

The BIA's denial of Zhang's untimely motion was not an abuse of discretion. Zhang was required to show changed country conditions arising in China to overcome the 90-day limitation period for his motion. *See* 8 C.F.R. § 1003.2(c)(3)(ii). Zhang's assertion that he feared persecution for his pro-democracy activism in this country was based on changes in his personal circumstances, not changed conditions in China, and does not satisfy the requirement for an exception for untimely motions to reopen. *See In re C-W-L-*, 24 I. & N. Dec. 346, 349-50 (BIA 2007).

DENIED.