

APR 30 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NARINDER SINGH,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

Nos. 05-71987,
05-76164

Agency No. A78-662-438

MEMORANDUM *

On Petitions for Review of Orders of the
Board of Immigration Appeals

Submitted April 22, 2008**

Before: GRABER, FISHER, and BERZON, Circuit Judges.

In these consolidated petitions for review, Narinder Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA")

* 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).

orders denying his first and second motions to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *See Bhasin v. Gonzales*, 423 F.3d 977, 984 (9th Cir. 2005). We deny the petitions for review.

The BIA did not abuse its discretion in denying Singh's first motion to reopen as untimely because he filed it 20 months after the BIA's final decision. *See* 8 C.F.R. § 1003.2(c)(2). Singh also failed to demonstrate that he qualified for the changed country conditions exception to the 90-day time limit. *See id.*; *see also Maly v. Ashcroft*, 381 F.3d 942, 945 (9th Cir. 2004) ("The critical question is... whether circumstances have changed sufficiently that a petitioner who did not have a legitimate claim for asylum now has a well-founded fear of future persecution."). The BIA's denial of Singh's first motion to reopen was not "arbitrary, irrational, or contrary to law." *See Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002).

The BIA did not abuse its discretion in concluding that Singh's second motion to reopen was numerically barred. *See* 8 C.F.R. § 1003.2(c)(2) (generally permitting one motion to reopen to be filed).

PETITIONS FOR REVIEW DENIED.