

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 10, 2009

Charles R. Fulbruge III
Clerk

No. 08-60294
Summary Calendar

DRITAN DANAJ

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. A77 614 172

Before JOLLY, BENAVIDES, and HAYNES, Circuit Judges.

PER CURIAM:*

Dritan Danaj, a native and citizen of Albania, petitions for review of an adverse decision of the Board of Immigration Appeals (BIA). That decision denied as untimely his motion to reopen his immigration proceedings. His motion was filed almost four years after the BIA's final administrative order affirming a finding that Danaj was removable and denying his requested relief.

Given the time gap, Danaj does not claim that his motion was filed within the ninety-day period provided by 8 U.S.C. § 1229a(c)(7)(C)(i). Instead, he

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

argues that the BIA's findings regarding his claim of changed circumstances in his home country of Albania are "arbitrary."¹ The ninety-day time limit does not apply to such changed circumstances. *Id.* at § 1229a(c)(7)(C)(ii).

Danaj contends that the "changed circumstance" is that his brother-in-law, who lives in Albania, is a federal fugitive who has threatened Danaj's life. The BIA found that "the harm [Danaj] fears lacks a nexus to a protected ground." We agree. Accordingly, we conclude that Danaj has failed to establish that the BIA abused its discretion in denying the motion to reopen. *Zhao v. Gonzales*, 404 F.3d 295, 301 (5th Cir. 2005).

Danaj's petition for review is DENIED.

¹ Petitioner's brief, filed by an attorney, contained numerous typographical and grammatical errors. The court reminds counsel of her obligation to review and proofread a brief before filing.