

FILED

July 12, 2006

Charles R. Fulbruge III
Clerk

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

No. 05-60151
Summary Calendar

IMRAN ALI MOMIN,

Petitioner,

versus

ALBERTO R. GONZALES, U. S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A74 377 075

Before BARKSDALE, STEWART and CLEMENT, Circuit Judges.

PER CURIAM:*

Imran Ali Momin, a native and citizen of Pakistan, petitions for review of the denial by the Board of Immigration Appeals (BIA) of his motion to reopen his immigration proceedings to allow him to assert claims for asylum and withholding of removal. Momin argues that the BIA abused its discretion and violated his due process rights when it denied his motion to reopen because the BIA

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

ignored evidence submitted by Momin that country conditions in Pakistan made it unsafe for him to bring his family to that country.

Momin's claims for asylum and withholding of removal are grounded in the treatment he fears his family would receive because of his interfaith, interracial marriage. Momin has failed to demonstrate that the evidence he submitted to the BIA could not have been discovered earlier and presented to the immigration judge during the deportation proceedings. He thus has not shown that the BIA abused its discretion in denying his motion to reopen. *See Ogbemudia v. INS*, 988 F.2d 595, 600 (5th Cir. 1993).

Accordingly, Momin's petition for review is DENIED.