

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

No. 14-60026
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 31, 2014

Lyle W. Cayce
Clerk

SAMUEL NYANSASERIA,

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. A094 075 454

Before JOLLY, BARKSDALE, and OWEN, Circuit Judges.

PER CURIAM:*

Samuel Nyansaseria, a native and citizen of Kenya, petitions for review of the 12 December 2013 decision of the Board of Immigration Appeals dismissing his appeal of the immigration judge's 9 November 2011 denial of his motion to reopen his removal proceedings (he was granted voluntary departure in March 2010). The denial of a motion to reopen is reviewed under

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

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“a highly deferential abuse-of-discretion standard”. *Gomez-Palacios v. Holder*, 560 F.3d 354, 358 (5th Cir. 2009) (citation omitted).

Nyansaseria failed to move to reopen his removal proceedings within 90 days of the BIA’s final order of removal, as required by 8 C.F.R. § 1003.23(b)(1). His challenge necessarily relies on the exceptions to the filing deadline, 8 C.F.R. § 1003.23(b)(4), but he fails, for example, to claim the conditions in Kenya have changed or that the voluntary-departure order was entered *in absentia*. His summary assertion of “change of circumstances” fails. Because he provides no other bases supporting an exception, the BIA did not abuse its discretion in dismissing his appeal.

DENIED.