

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

United States Court of Appeals  
Fifth Circuit

**FILED**

January 4, 2019

Lyle W. Cayce  
Clerk

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No. 17-60718  
Summary Calendar

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MOHIN UDDIN,

Petitioner

v.

MATTHEW G. WHITAKER, ACTING U. S. ATTORNEY GENERAL,

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A202 131 642

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Before REAVLEY, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Mohin Uddin, a native and citizen of Bangladesh, petitions for review of an order of the Board of Immigration Appeals (BIA) denying his second motion to reopen removal proceedings. Uddin argues that intensified harassment of his family by members of the ruling political party reflects changed conditions in Bangladesh and excuses his time- and number-barred motion. 8 U.S.C. § 1229a(c)(7)(A)-(C); 8 C.F.R. § 1003.2(c)(2) & (3)(i). Uddin submitted affidavits

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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describing two attacks in which his father, mother, and wife were injured and party members threatened to kill Uddin if they find him.

We review the denial of a motion to reopen under a “highly deferential abuse-of-discretion standard.” *Singh v. Lynch*, 840 F.3d 220, 222 (5th Cir. 2016) (quoting *Zhao v. Gonzales*, 404 F.3d 295, 303-04 (5th Cir. 2005)). Under this standard, Uddin’s argument fails because the BIA’s decision was “not capricious, racially invidious, utterly without foundation in the evidence, or otherwise so irrational that it is arbitrary rather than the result of any perceptible rational approach.” *Singh*, 840 F.3d at 222 (quoting *Zhao*, 404 F.3d at 304). Uddin did not carry his “heavy burden” by “making a meaningful comparison between the conditions at the time of the removal hearing and the conditions at the time [he] filed [his] motion to reopen.” *Nunez v. Sessions*, 882 F.3d 499, 508 (5th Cir. 2018) (citing *Ramos-Lopez v. Lynch*, 823 F.3d 1024, 1026 (5th Cir. 2016)). Uddin offered no evidence that conditions in Bangladesh have changed or declined across the country. His evidence demonstrates only “a change in personal circumstances,” which is “insufficient to show a change in country conditions.” *Nunez*, 882 F.3d at 508-09 (citing *Singh*, 840 F.3d at 222-23); *see also Ahmed v. Sessions*, 707 F. App’x 287, 287 (5th Cir. 2017) (movant’s fear of returning to Bangladesh due to “new threats and violence” against his family by rival party members “amounts to a change in personal circumstances and does not constitute changed country conditions”).

We lack jurisdiction to review Uddin’s claim that the BIA should have exercised its sua sponte discretion to reopen his removal proceedings. *Diaz v. Sessions*, 894 F.3d 222, 228 (5th Cir. 2018); *Enriquez-Alvarado v. Ashcroft*, 371 F.3d 246, 250 (5th Cir. 2004).

Accordingly, Uddin’s petition for review is DENIED in part and DISMISSED in part.