

January 15, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-60334
Summary Calendar

ERIC BATUNGWANAYO,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A95 225 036

Before DeMOSS, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Eric Batungwanayo has petitioned for review of the decision of the Board of Immigration Appeals (BIA) dismissing as untimely his appeal from the immigration judge's decision denying his motion to reopen his deportation proceedings. Batungwanayo has not shown that the BIA abused its discretion in determining he had failed to support his motion to reopen with previously unavailable material evidence showing that he had a well-founded fear of persecution related to his political beliefs or ethnicity based on changed conditions in Burundi. See Singh v. Gonzales,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

436 F.3d 484, 487 (5th Cir. 2006); 8 U.S.C. § 1229a(c)(7). The petition for review is DENIED.