

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

ALEXANDER MINGOLE-KAYESSE; LYDIA
CLAIRE KAYESSE,

Petitioners,

v.

U.S. IMMIGRATION & NATURALIZATION
SERVICE,

Respondent.

No. 01-2478

On Petition for Review of an Order
of the Board of Immigration Appeals.
(A72-163-212, A72-353-657)

Submitted: April 29, 2002

Decided: June 3, 2002

Before WILKINS, LUTTIG, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Bokwe G. Mofor, IMMIGRATION ASSISTANCE CENTER, INCORPORATED, Silver Spring, Maryland, for Petitioners. Robert D. McCallum, Jr., Assistant Attorney General, John J. Andre, Senior Litigation Counsel, Edward C. Durant, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Alexander Mingole-Kayesse and Lydia Claire Kayesse, husband and wife and natives and citizens of Cameroon, petition for review of an order of the Board of Immigration Appeals ("BIA") denying their applications for suspension of deportation. We have reviewed the record and the BIA's decision and conclude that the BIA did not abuse its discretion by denying their motion to file their brief out of time. *See* 8 C.F.R. § 3.3(c)(1) (2001); *Huicochea-Gomez v. INS*, 237 F.3d 696, 700-01 (6th Cir. 2001). We further conclude the BIA used the correct standard to review the immigration judge's assessment of the Kayesses' credibility. *See Matter of A-S-*, Interim Decision 3336 (BIA 1998). In addition, we defer to the BIA's credibility determination and find that the Kayesses did not meet their burden of establishing they were eligible for suspension of deportation. *INS v. Elias-Zacarias*, 502 U.S. 478, 481-83 (1992); *Figeroa v. INS*, 886 F.2d 76, 78-79 (4th Cir. 1989).

Accordingly, we affirm the BIA's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

AFFIRMED