

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2294

ISATAH MARY CONTEH,

Petitioner,

versus

JOHN ASHCROFT,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A29-369-211)

Submitted: May 19, 2004

Decided: July 7, 2004

Before WIDENER, LUTTIG, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Irena I. Karpinski, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, Papu Sandhu, Senior Litigation Counsel, Isaac R. Campbell, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Isatah Mary Conteh, a native and citizen of Sierra Leone, petitions for review of an order of the Board of Immigration Appeals ("Board") affirming the immigration judge's decision to deny her motion to reopen immigration proceedings. We have reviewed the record and conclude that the Board did not abuse its discretion in upholding the denial of Conteh's motion to reopen. See 8 C.F.R. § 1003.2(a) (2003); INS v. Doherty, 502 U.S. 314, 323-24 (1992). The record reveals that the notice was mailed to Conteh's last known address and that she failed to keep the immigration court apprised of changes in her address. See 8 U.S.C. § 1252b(a)(1)(F) (1994) ("[T]he alien must provide the Attorney General immediately with a written record of any change of the alien's address"); 8 U.S.C. § 1252b(a)(2) (1994)¹ ("[W]ritten notice shall not be required under this paragraph if the alien has failed to provide the address required under subsection (a)(1)(F)"); Dominquez v. United States Atty. Gen., 284 F.3d 1258, 1260 (11th Cir. 2002). We find no abuse of discretion under these circumstances. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials

¹ The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) repealed 8 U.S.C. §§ 1252b(a)(1)(F) & (a)(2) effective April 1, 1997. Nearly identical language now appears in 8 U.S.C. §§ 1229(a)(1)(F) & 1229a(5)(b) (1999). Under the IIRIRA, §§ 1252b(a)(1)(F) & (a)(2) continue to apply because this case was in progress before the act was passed.

before the court and argument would not aid the decisional process.

PETITION DENIED