

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 04-1531

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ESTELLA LEANDRE,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A76-925-766)

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Submitted: January 28, 2005

Decided: February 18, 2005

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Before WILKINSON, LUTTIG, and MOTZ, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, Donald E. Keener, Deputy Director, John Andre, Senior Litigation Counsel, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Estella Leandre, a native and citizen of Haiti, seeks review of an April 1, 2004 order of the Board of Immigration Appeals (Board) denying her motion to reopen.\* We have reviewed the record and the Board's order and find that the Board did not abuse its discretion in denying the motion to reopen. See 8 C.F.R. § 1003.2(a) (2004) (grant or denial of motion to reopen is within the discretion of the Board); INS v. Doherty, 502 U.S. 314, 323-24 (1992); Stewart v. INS, 181 F.3d 587, 595 (4th Cir. 1999). Therefore, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED

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\*Leandre's petition for review is timely only as to the Board's April 1, 2004 order denying a motion to reopen. 8 U.S.C. § 1252(b)(1) (2000) (petition for review must be filed within thirty days of final order of removal); see Stone v. INS, 514 U.S. 386, 405-06 (1995) (holding order of removal and denial of motion to reconsider are separate final orders, each subject to relevant time limit for review). Therefore, we lack jurisdiction to consider the Board's August 29, 2003 order affirming the immigration judge, the January 16, 2004 order denying the motion to reconsider, or the August 5, 2004 order denying the motion to reconsider the April 1, 2004 denial of the motion to reopen.