

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 05-1197

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MOHAMMAD RAFIQ,

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. (A72-167-459)

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Submitted: December 9, 2005

Decided: December 27, 2005

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Before WILKINSON, MOTZ, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Rabia Anwar Chaudry, Falls Church, Virginia, for Petitioner.  
Peter D. Keisler, Assistant Attorney General, Michael P. Lindemann,  
Assistant Director, William C. Peachey, OFFICE OF IMMIGRATION  
LITIGATION, 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Unpublished opinions are not binding precedent in this circuit.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:

Mohammad Rafiq, a native and citizen of Pakistan, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's denial of his motion to reopen immigration proceedings. We have reviewed the record and the Board's order and find that the Board did not abuse its discretion in upholding the denial of Rafiq's motion on the ground that it was untimely filed. See 8 C.F.R. § 1003.23(b)(1) (2005) (establishing a ninety-day time limitation for filing a motion to reopen); INS v. Doherty, 502 U.S. 314, 323-24 (1992) (setting forth standard of review).<sup>\*</sup> Accordingly, 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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<sup>\*</sup>We find that Rafiq has failed to demonstrate sufficient grounds to invoke the doctrine of equitable tolling. See Harris v. Hutchinson, 209 F.3d 325, 330 (4th Cir. 2000).