

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-2298**

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DIVINE AWAH CHE,

Petitioner,

versus

ALBERTO R. GONZALES,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A97-645-366)

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Submitted: May 17, 2006

Decided: June 8, 2006

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Before WILKINSON, NIEMEYER, and TRAXLER, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Danielle Beach-Oswald, NOTO & OSWALD, P.C., Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Office of Immigration Litigation, Civil Division, Katherine A. Schlech, NCES, Antitrust Division, 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Unpublished opinions are not binding precedent in this circuit.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:

Divine Awah Che, a native and citizen of Cameroon, petitions for review of an order of the Board of Immigration Appeals adopting and affirming the immigration judge's denial of Che's motion to reopen. Che sought rescission of a final order of deportation entered in absentia, asserting that his absence from court was due to exceptional circumstances beyond his control. We have reviewed the administrative record and conclude that the denial of the motion to reopen the in absentia order was not an abuse of discretion. See INS v. Doherty, 502 U.S. 314 (1992); 8 U.S.C.A. § 1229a(b)(5)(C)(I), (e)(1) (West 2005).

We therefore 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