

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1443

TAYE GEBRETSADIK TEKLE,

Petitioner,

versus

ALBERTO R. GONZALES,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-891-505)

Submitted: October 31, 2006

Decided: January 22, 2007

Before WILKINSON, NIEMEYER, and WILLIAMS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Alan M. Parra, LAW OFFICE OF ALAN M. PARRA, Bethesda, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, James A. Hunolt, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Taye Gebretsadik Tekle, a native and citizen of Ethiopia, petitions for review of the Board of Immigration Appeals' ("Board") order adopting and affirming the immigration judge's order denying his motion to reopen and reconsider. We deny the petition for review.

We review the denial of a motion to reopen or reconsider with extreme deference and only for an abuse of discretion. Stewart v. INS, 181 F.3d 587, 595 (4th Cir. 1999). Such motions are disfavored "in a deportation proceeding, where, as a general matter, every delay works to the advantage of the deportable alien who wishes merely to remain in the United States." INS v. Doherty, 502 U.S. 314, 323 (1992). "[A]dministrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary." 8 U.S.C. § 1252(b)(4)(B) (2000).

With respect to Tekle's motion for reconsideration, he failed to show any error of law or fact. With respect to his request to reopen, Tekle failed to show that the evidence was material and could not have been presented at the hearing. See 8 C.F.R. § 1003.23(b)(2), (3) (2006). Accordingly, we find the immigration judge did not abuse her discretion.

We find no abuse of discretion with the Board's denial of Tekle's motion for a transcript. Insofar as Tekle seeks review of the immigration judge's order denying his applications for asylum,

withholding from removal and withholding under the Convention Against Torture, we are without jurisdiction. Tekle did not appeal the immigration judge's order to the Board. Consequently, he did not exhaust his administrative remedies. See Asika v. Ashcroft, 362 F.3d 264, 267 n.3 (4th Cir. 2004); Farrokhi v. INS, 900 F.2d 697, 700 (4th Cir. 1990).

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