

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1448

MI CHOONG O'BRIEN,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A39-763-877)

Submitted: January 22, 2007

Decided: February 9, 2007

Before MOTZ and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition dismissed by unpublished per curiam opinion.

Jim Tom Haynes, JIM TOM HAYNES, P.C., Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, Donald E. Keener, Bryan S. Beier, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mi Choong O'Brien, a native and citizen of Korea, petitions for review of an order of the Board of Immigration Appeals ("Board") denying her motion to reopen her immigration proceedings as a matter of discretion.

Based on our review of the record, we find that we lack jurisdiction to review O'Brien's claim that the Board should have exercised its sua sponte power to reopen her deportation proceedings. See Harchenko v. INS, 379 F.3d 405, 410-11 (6th Cir. 2004); Enriquez-Alvarado v. Ashcroft, 371 F.3d 246, 249-50 (5th Cir. 2004); Belay-Gebbru v. INS, 327 F.3d 998, 1000-01 (10th Cir. 2003); Calle-Vujiles v. Ashcroft, 320 F.3d 472, 474-75 (3d Cir. 2003); Ekimian v. INS, 303 F.3d 1153, 1159 (9th Cir. 2002); Luis v. INS, 196 F.3d 36, 40-41 (1st Cir. 1999). Because we lack jurisdiction over the petition, we decline to address the additional ground identified in the Board's decision denying O'Brien's motion to reopen.

Accordingly, we dismiss 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 DISMISSED