

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1530

DANIEL OKORIE KALU,

Petitioner,

versus

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A72-166-563)

Submitted: January 16, 2008

Decided: January 29, 2008

Before NIEMEYER and TRAXLER, Circuit Judges, and WILKINS, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Eric Nwaubani, Lloyd F. Ukwu, UKWU & ASSOCIATES, CHARTERED, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Brianne Whelan Cohen, 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Unpublished opinions are not binding precedent in this circuit.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:

Daniel Okorie Kalu, a native and citizen of Nigeria, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reopen his immigration proceedings.

Based on our review of the record, we find that the Board did not abuse its discretion in denying the motion as untimely filed. See 8 C.F.R. § 1003.2(c)(2) (2007). We further find that we lack jurisdiction to review Kalu's claim that the Board should have exercised its sua sponte power to reopen his removal proceedings. Ali v. Gonzales, 448 F.3d 515, 518 (2d Cir. 2006) (collecting cases). Finally, we find no merit to Kalu's argument that the Board failed to provide a reasoned basis for its decision. 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