

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-2041

OBAFEMI OLUSEUN OPESANMI,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A23-587-344)

Submitted: April 9, 2008

Decided: April 25, 2008

Before TRAXLER, KING, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Winston Wen-Hsiung Tsai, Bethesda, Maryland, for Petitioner.
Jeffrey S. Bucholtz, Acting Assistant Attorney General, Barry J. Pettinato, Assistant Director, Kristin A. Moresi, 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Unpublished opinions are not binding precedent in this circuit.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:

Obafemi Oluseun Opesanmi, a native and citizen of Nigeria, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reopen 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 the Board acted well within its discretion in finding that Opesanmi was statutorily ineligible for adjustment of status on the ground that he failed to depart the United States within the time period granted for voluntary departure. See 8 U.S.C.A. § 1229c(d)(1)(B) (West 2005 & Supp. 2007). Finally, we lack jurisdiction to review Opesanmi's claim that the Board should have exercised its sua sponte power to reopen his removal proceedings. See Tamenut v. Mukasey, ___ F.3d ___, 2008 WL 637617 (8th Cir. Mar. 11, 2008) (en banc) (collecting cases). 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