

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1705

MALADO DIALLO,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: January 14, 2009

Decided: February 25, 2009

Before MOTZ, TRAXLER, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington, Virginia, for Petitioner. Gregory G. Katsas, Assistant Attorney General, William C. Peachey, 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Unpublished opinions are not binding precedent in this circuit.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:

Malado Diallo, a native and citizen of Guinea, petitions for review of an order of the Board of Immigration Appeals ("Board") denying her motion to reconsider the denial of her second motion to reopen. We deny the petition for review.

This court reviews the Board's denial of Diallo's motion to reconsider for abuse of discretion. See Oguno v. Mukasey, 541 F.3d 257, 263 (4th Cir. 2008). A motion for reconsideration must specify the errors of law or fact in the previous decision and shall be supported by pertinent authority. See 8 U.S.C. § 1229a(c)(6)(C) (2006); see also 8 C.F.R. § 1003.23(b)(2) (2008). The court will reverse the Board's decision for abuse of discretion only if it is arbitrary, capricious, or contrary to law. Barry v. Gonzales, 445 F.3d 741, 745 (4th Cir. 2006). "[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) (2006).

We find the Board did not abuse its discretion by denying Diallo's motion to reconsider. She failed to show any error of law or fact with respect to the denial of her motion to reopen. We further find the Board did not abuse its discretion insofar as it construed Diallo's motion as her third motion to

reopen and denied it because she failed to establish changed circumstances in Guinea that materially affect her asylum claim.

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