

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2042

RIFAQAT ALI,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: May 7, 2009

Decided: June 4, 2009

Before TRAXLER, KING, and GREGORY, Circuit Judges.

Petition denied in part and dismissed in part by unpublished per curiam opinion.

Joseph Peter Drennan, Alexandria, Virginia; Paul Shearman Allen, PAUL SHEARMAN ALLEN & ASSOCIATES, Washington, D.C., for Petitioner. Michael F. Hertz, Acting Assistant Attorney General, Daniel E. Goldman, Senior Litigation Counsel, Paul T. Cygnarowicz, 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Unpublished opinions are not binding precedent in this circuit.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:

Rifaqat Ali, a native and citizen of Pakistan, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reopen. We have reviewed the record and the Board's order and find that the Board did not abuse its discretion in denying the motion as untimely. See 8 C.F.R. § 1003.2(c)(2) (2008). We therefore deny the petition for review in part for the reasons stated by the Board. See In re: Ali (B.I.A. Sep. 23, 2008). We lack jurisdiction over Ali's challenge to the Board's refusal to exercise its sua sponte authority to reopen and therefore dismiss this portion of the petition for review. See Mosere v. Mukasey, 552 F.3d 397, 400-01 (4th Cir. 2009).

Accordingly, we deny in part and dismiss in part 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 IN PART
AND DISMISSED IN PART