

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2097

OMBA ARSENE ONEMA,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: March 26, 2013

Decided: April 2, 2013

Before DAVIS, WYNN, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Sam H. Hasan, HASAN LAW GROUP, Falls Church, Virginia, for Petitioner. Stuart F. Delery, Principal Deputy Assistant Attorney General, Linda S. Wernery, Assistant Director, Gerald M. Alexander, 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Unpublished opinions are not binding precedent in this circuit.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:

Omba Arsene Onema, a native and citizen of the Democratic Republic of the Congo ("DRC"), petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reopen immigration proceedings. We have reviewed the record and the Board's order and find no abuse of discretion. See 8 C.F.R. § 1003.2(a), (c) (2012). Accordingly, we deny the petition for review substantially* for the reasons stated by the Board. In re: Onema (B.I.A. Aug. 9, 2012). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED

* Although the Board erroneously relied on our decision in Afanwi v. Mukasey, 526 F.3d 788 (4th Cir. 2008), vacated, 130 S. Ct. 350 (2009), we nonetheless find no abuse of discretion in its alternate finding that Onema was not entitled to equitable tolling on the ground that he failed to demonstrate that he acted with due diligence.