

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-2319**

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JOHN NGECHU NJOGU,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

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Submitted: April 17, 2014

Decided: April 25, 2014

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Before WILKINSON, SHEDD, and THACKER, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Rev. Uduak James Ubom, UBOM LAW GROUP, PLLC, Washington, D.C., for Petitioner. Stuart F. Delery, Assistant Attorney General, Carl McIntyre, Assistant Director, Jeffrey J. Bernstein, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Ngechu Njogu, a native and citizen of Kenya, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reconsider and reopen. We deny the petition for review.

Njogu devotes most of his appellate brief to the Board's order dismissing his appeal from the immigration judge's July 18, 2013 decision denying relief and ordering him removed. We note that Njogu did not file a timely petition for review from the July 18, 2013 order. See 8 U.S.C. § 1252(b)(1) (2012); Stone v. INS, 514 U.S. 386, 394, 405 (1995). Thus, we do not have jurisdiction to review this order. We further note that Njogu does not attempt to challenge that part of the Board's September 27, 2013 order denying reconsideration. Accordingly, review is waived. See Fed. R. App. P. 28(a)(9); Ngarurih v. Ashcroft, 371 F.3d 182, 189 n.7 (4th Cir. 2004) (failure to challenge the denial of relief results in abandoning review).

Insofar as Njogu challenges the denial of reopening, we have reviewed the record and conclude that the Board did not abuse its discretion in finding that Njogu failed to present newly available evidence that would warrant reopening. See 8 C.F.R. § 1003.2(c)(1) (2013). We also find no error with the Board's disposition of Njogu's belated request for voluntary departure.

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 this court and argument would not aid the decisional process.

PETITION DENIED