

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-1125

KENNETH AJAGHA,

Petitioner,

versus

U.S. IMMIGRATION & NATURALIZATION SERVICE,

Respondent.

On Petition for Review of an Order of the Immigration & Natural-
ization Service. (A29-003-661)

Submitted: August 22, 1996

Decided: September 4, 1996

Before HALL, MICHAEL, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Randall L. Johnson, Arlington, Virginia, for Petitioner. Frank W. Hunger, Assistant Attorney General, Michael P. Lindemann, Assistant Director, Joan E. Smiley, Senior Litigation Counsel, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Kenneth Ajagha, a native Nigerian, appeals from a Board of Immigration Appeals ("BIA") order that denied his motion to reopen the decision of the Immigration Judge finding him deportable. We affirm.

We review the BIA's denial of a motion to reopen under an abuse of discretion standard. INS v. Doherty, 502 U.S. 314, 323 (1992). Denial of a motion to reopen "must be reviewed with extreme deference," since immigration statutes do not contemplate reopening and the applicable regulations disfavor motions to reopen. M.A. v. INS, 899 F.2d 304, 308 (4th Cir. 1990) (in banc).

Ajagha seeks to reopen based on his recent marriage to an American citizen with a young son. In light of Ajagha's criminal history, a marriage entered into during the pendency of the deportation proceeding does not require a reopening of the case. Therefore, the BIA did not abuse its discretion in denying Ajagha's motion to reopen.

Accordingly, we affirm the BIA's order. 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.

AFFIRMED