

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1186

JEAN MOUNE,

Petitioner,

versus

U.S. IMMIGRATION & NATURALIZATION SERVICE,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A72-352-497)

Submitted: June 17, 2002

Decided: July 16, 2002

Before NIEMEYER, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bokwe G. Mofor, IMMIGRATION ASSISTANCE CENTER, INC., Silver Spring, Maryland, for Petitioner. Robert D. McCallum, Jr., Assistant Attorney General, Emily Anne Radford, Assistant Director, James A. Hunolt, 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Unpublished opinions are not binding precedent in this circuit.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:

Jean Moune, a native and citizen of Cameroon, petitions for review of a final order of the Board of Immigration Appeals (Board) denying his motion to reopen deportation proceedings based on new evidence and a claim for protection under the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

Moune contends the Board abused its discretion in finding that he failed to present material evidence that was not available and could not have been discovered or presented at the deportation hearing. Moune further contends the Board abused its discretion in finding that he failed to establish a prima facie case that it is more likely than not that he would suffer torture if returned to Cameroon. See Stewart v. INS, 181 F.3d 587, 595 (4th Cir. 1999); 8 C.F.R. § 208.16(c)(2) (2001). We have reviewed the administrative record and the Board's decision and find no abuse of discretion in its denial of the motion to reopen. See 8 C.F.R. § 208.18(b)(2)(ii).

Accordingly, we affirm the Board's denial of relief. 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