

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1733

MAMADY NABE,

Petitioner,

versus

U.S. IMMIGRATION & NATURALIZATION SERVICE;
JOHN ASHCROFT, Attorney General,

Respondents.

On Petition for Review of an Order of the Board of Immigration Appeals. (A72-349-847)

Submitted: December 16, 2002

Decided: December 24, 2002

Before WILLIAMS, TRAXLER, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Marc Seguinot, LAW OFFICE OF MARC SEGUINOT, Fairfax, Virginia, for Petitioner. Robert D. McCallum, Jr., Assistant Attorney General, Richard M. Evans, Assistant Director, Joan E. Smiley, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mamady Nabe, a native and citizen of Guinea, petitions for review of an order of the Board of Immigration Appeals (Board) denying his motion to reopen. Nabe contends that the Board abused its discretion in denying the motion because the flaws in the underlying application for adjustment of status were caused by ineffective assistance of his initial counsel. See Stewart v. INS, 181 F.3d 587, 595 (4th Cir. 1999) (reviewing the Board's denial of motion to reopen for abuse of discretion).

We have reviewed the administrative record and the Board's decision. We conclude that the Board did not abuse its discretion in refusing to reopen proceedings upon finding that Nabe failed to meet the requirements for filing an ineffective assistance of counsel claim as set forth in Matter of Lozada, 19 I. & N. Dec. 637 (BIA), aff'd, 857 F.2d 10 (1st Cir. 1988). 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 the court and argument would not aid the decisional process.

PETITION DENIED