

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-1941**

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RICHARD MANOUANA MILANDOU,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A75-376-839)

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Submitted: February 9, 2004

Decided: February 24, 2004

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Before WILLIAMS and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Bokwe G. Mofor, Silver Spring, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, Papu Sandhu, Senior Litigation Counsel, Isaac R. Campbell, 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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Richard Manouana Milandou, a native and citizen of the Congo, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion for reconsideration and to reopen the proceedings. We deny the petition for review.

We review the Board's denial of a motion to reopen or a motion to reconsider with extreme deference and only for an abuse of discretion. 8 C.F.R. § 1003.2(a) (2003); INS v. Doherty, 502 U.S. 314, 323-24 (1992); Stewart v. INS, 181 F.3d 587, 595 (4th Cir. 1999). Such motions are especially disfavored "in a deportation proceeding, where, as a general matter, every delay works to the advantage of the deportable alien who wishes merely to remain in the United States." Doherty, 502 U.S. at 323.

"A motion to reopen proceedings shall not be granted unless it appears to the Board that evidence sought to be offered is material and was not available and could not have been discovered or presented at the former hearing." 8 C.F.R. § 1003.2(c)(1) (2003). A motion to reconsider asserts that the Board made an error in its earlier decision, Zhao v. United States Dep't of Justice, 265 F.3d 83, 90 (2d Cir. 2001), and requires the movant to specify the error of fact or law in the Board's prior decision and be supported by pertinent authority, 8 C.F.R.

§ 1003.2(b)(1) (2003). We find the Board did not abuse its discretion.\*

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

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\*We do not have jurisdiction to review the Board's order affirming without opinion the immigration judge's decision denying Milandou's applications for asylum, withholding from removal and withholding under the Convention Against Torture. See 8 U.S.C. § 1252(b)(1) (2000); Stone v. INS, 514 U.S. 386, 394, 405 (1995).