

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1987**

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ABIY AEMIRO,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A79-509-117)

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Submitted: March 25, 2005

Decided: April 13, 2005

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Before LUTTIG, WILLIAMS, and MICHAEL, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Oti W. Nwosu, Arthur D. Wright, III, THE WRIGHT LAW NETWORK, Riverdale, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, Richard M. Evans, 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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Abiy Aemiro, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals (Board) denying his motion to reopen its previous order dismissing his appeal from the immigration judge's denial of asylum, withholding of removal, and protection under the Convention Against Torture.

We review the denial of a motion to reopen for abuse of discretion. 8 C.F.R. § 1003.2(a) (2004); INS v. Doherty, 502 U.S. 314, 323-24 (1992); Stewart v. INS, 181 F.3d 587, 595 (4th Cir. 1999). The 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) (en banc).

A motion to reopen "shall state the new facts that will be proven at a hearing to be held if the motion is granted and shall be supported by affidavits or other evidentiary material." 8 C.F.R. § 1003.2(c)(1) (2004). "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." Id. We have reviewed the administrative record, the immigration judge's decision, and the Board's orders and find no abuse of 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