

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2365

PRAVEEN TULADHAR,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A70-691-515)

Submitted: March 18, 2005

Decided: March 31, 2005

Before NIEMEYER, LUTTIG, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Praveen Tuladhar, Petitioner Pro Se. M. Jocelyn Lopez Wright, Wanda Evans, Larry Patrick Cote, 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Unpublished opinions are not binding precedent in this circuit.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:

Praveen Tuladhar, a native and citizen of Nepal, petitions for review of a final order of the Board of Immigration Appeals (Board) denying his second motion to reopen. We review the denial of a motion to reopen for abuse of discretion. 8 C.F.R. § 1003.2(a) (2004). See INS v. Doherty, 502 U.S. 314, 323-24 (1992) (stating abuse of discretion standard); Stewart v. INS, 181 F.3d 587, 595 (4th Cir. 1999) (same).

In his brief to this court, Tuladhar seeks to reargue his entitlement to asylum. However, this petition for review is untimely as to the Board's July 25, 2002 order affirming the immigration judge's denial of Tuladhar's applications for asylum and withholding of removal. See Stone v. INS, 514 U.S. 386, 405-06 (1995) (holding that time for filing petition for review is jurisdictional and unaffected by filing motion to reopen). The petition for review is timely only as to the Board's denial of the second motion to reopen. Tuladhar presents no arguments relevant to the denial of that motion. Therefore, he has waived review of any claims arising from the denial of the second motion to reopen. See United States v. Al-Hamdi, 356 F.3d 564, 571 n.8 (4th Cir. 2004); Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999).

Thus, 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