

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2375

SEBLE HAILE YEMANE,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-546-583)

Submitted: April 11, 2005

Decided: April 25, 2005

Before WILKINSON, MOTZ, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Seble Haile Yemane, Petitioner Pro Se. George William Maugans, III, Special Assistant United States Attorney, IMMIGRATION AND NATURALIZATION SERVICE, Baltimore, Maryland, Carol Federighi, Wanda Evans, 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Unpublished opinions are not binding precedent in this circuit.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:

Seble Haile Yemane, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals (Board) denying her motion to reconsider its denial of her motion to reopen.

We review the Board's denial of a motion to reconsider for an abuse of discretion. See 8 C.F.R. § 1003.2(a) (2004); Yanez-Popp v. INS, 998 F.2d 231, 234 (4th Cir. 1993). A motion to reconsider asserts that the Board made an error in its earlier decision. The motion must "state the reasons for the motion by specifying the errors of fact or law in the prior Board decision and shall be supported by pertinent authority." 8 C.F.R. § 1003.2(b)(1). 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." INS v. Doherty, 502 U.S. 314, 323 (1992).

We have reviewed the administrative record and the Board's decision and conclude the Board did not abuse its discretion when it found that Yemane failed to establish that the documents she submitted with her motion to reopen were material and previously unavailable. 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