

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2453

ESTHER KAYAKEZ MWINKEU,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A96-095-534)

Submitted: May 9, 2005

Decided: June 7, 2005

Before MOTZ, TRAXLER, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Bokwe G. Mofor, Silver Spring, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Song Park, 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Unpublished opinions are not binding precedent in this circuit.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:

Esther Kayakez Mwinkeu, a native and citizen of the Democratic Republic of the Congo, seeks review of an order of the Board of Immigration Appeals (Board) denying her motion to reconsider, filed pursuant to 8 C.F.R. § 1003.2(b)(1) (2004); see also 8 U.S.C. § 1229a(c)(5)(C) (2000). Mwinkeu's petition for review is timely only as to the Board's order denying reconsideration. 8 U.S.C. § 1252(b)(1) (2000) (petition for review must be filed within thirty days of final order of removal); see Stone v. INS, 514 U.S. 386, 394-95 (1995) (holding order of removal and denial of motion to reconsider are separate final orders, each subject to relevant time limit for seeking review).

We have reviewed the record and the Board's order and find that the Board did not abuse its discretion in denying the motion for reconsideration. See 8 C.F.R. § 1003.2(a) (2004). Therefore, 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