

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2532

RAMATOUILLE FYE,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A73-534-679)

Submitted: June 22, 2005

Decided: July 20, 2005

Before WILKINSON, WILLIAMS, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Irena I. Karpinski, LAW OFFICES OF IRENA I. KARPINSKI, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, David V. Bernal, Assistant Director, Anthony P. Nicastro, 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Unpublished opinions are not binding precedent in this circuit.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:

Ramatouille Fye, a native and citizen of The Gambia, petitions for review of an order of the Board of Immigration Appeals ("Board") denying her motion to reconsider the Board's dismissal of her appeal. We have reviewed the record and the Board's order and find that the Board did not abuse its discretion in denying the motion as untimely filed. See 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); Yanez-Popp v. INS, 998 F.2d 231, 234 (4th Cir. 1993). Fye also claims that the Board should have exercised its sua sponte power to reopen her proceedings. Other federal appellate courts have found they lack jurisdiction to review the Board's decision not to exercise its sua sponte power. Enriquez-Alvarado v. Ashcroft, 371 F.3d 246, 249-50 (5th Cir. 2004); Belay-Gebbru v. INS, 327 F.3d 998, 1000-01 (10th Cir. 2003); Calle-Vujiles v. Ashcroft, 320 F.3d 472, 474-75 (3d Cir. 2003); Ekimian v. INS, 303 F.3d 1153, 1159 (9th Cir. 2002); Luis v. INS, 196 F.3d 36, 40-41 (1st Cir. 1999). Even were we to assume jurisdiction, however, we would find no reversible error in this case.

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