

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1326

NILESH KANTILAL PATEL,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A70-908-241)

Submitted: December 12, 2005

Decided: January 9, 2006

Before NIEMEYER, WILLIAMS, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Richard H. Trais, Chicago, Illinois, for Petitioner. Peter D. Keisler, Assistant Attorney General, Ernesto H. Molina, Jr., Senior Litigation Counsel, Russell J.E. Verby, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Nilesh Kantilal Patel, a native and citizen of India, petitions for review of an order of the Board of Immigration Appeals affirming without opinion the Immigration Judge's denial of Patel's motion to reopen. Patel sought rescission of a final order of deportation entered in absentia, asserting that his absence from court was due to exceptional circumstances beyond his control. We have reviewed the administrative record and conclude that the denial of the motion to reopen the in absentia order was not an abuse of discretion. See INS v. Doherty, 502 U.S. 314, 323-34 (1992); 8 C.F.R. § 1003.23(b)(4)(iii)(A)(1) (2005).

We accordingly 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