

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1420

RICHARD ALFRED SINGHE,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A79-343-813)

Submitted: November 18, 2005

Decided: December 29, 2005

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Patrick G. Tzeuton, Silver Spring, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Office of Immigration Litigation, Civil Division, Joshua P. Jones, 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Unpublished opinions are not binding precedent in this circuit.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:

Richard Alfred Singhe petitions for review of an order of the Board of Immigration Appeals (Board) denying his motion to reconsider an order affirming without opinion the immigration judge's denial of a motion to reopen. Singhe's motion to reconsider raised only the argument that the Board erred in affirming without opinion, by a single Board member, the immigration judge's denial of the motion to reopen. On appeal, Singhe seeks to challenge the immigration judge's decision denying the motion to reopen.

Singhe may not challenge in this appeal the immigration judge's order denying his motion to reopen, as affirmed by the Board, as he did not file a timely petition for review from that order. A petitioner has thirty days to file a petition for review. See 8 U.S.C. § 1252(b)(1) (2000). This time period is "jurisdictional in nature and must be construed with strict fidelity to [its] terms." Stone v. INS, 514 U.S. 386, 405 (1995). The filing of a motion to reconsider does not toll the thirty-day period for seeking review of the underlying order. Id. at 394. Accordingly, because Singhe did not file a petition for review within thirty days of the Board's order affirming the immigration judge's denial of the motion to reopen, this court's review is limited to the Board's denial of the motion to reconsider. As Singhe makes no argument regarding that disposition, we conclude

that he has abandoned all claims that could properly be raised in the appeal before us. See Yousefi v. INS, 260 F.3d 318, 326 (4th Cir. 2001) (holding failure to challenge denial of withholding of removal and relief under Convention Against Torture in opening brief constitutes abandonment of those claims); Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999) (holding failure to raise specific issue in opening brief constitutes abandonment of that issue under Fed. R. App. P. 28(a)(9)(A), requiring that argument section of opening brief contain contentions, reasoning, and authority).

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