

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1551**

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MELISSA AYODELE OLYMPIO,  
  
Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,  
  
Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals.

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Submitted: February 25, 2009

Decided: March 16, 2009

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

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Petition denied by unpublished per curiam opinion.

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Laura L. Lichter, LICHTER & ASSOCIATES, P.C., Denver, Colorado, for Petitioner. Michael F. Hertz, Acting Assistant Attorney General, David V. Bernal, Assistant Director, Lauren E. Fascett, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Melissa Ayodele Olympio, a native and citizen of Togo, petitions for review of an order of the Board of Immigration Appeals denying her motion to reopen. We review the denial of a motion to reopen for abuse of discretion. 8 C.F.R. § 1003.2(a) (2008); INS v. Doherty, 502 U.S. 314, 323-24 (1992); Barry v. Gonzales, 445 F.3d 741, 744 (4th Cir. 2006). This court will reverse the Board's denial of a motion to reopen only if the denial is "arbitrary, capricious, or contrary to law." Barry, 445 F.3d at 745.

Based on our review of the record, we find that the Board did not abuse its discretion in denying the motion to reopen. Accordingly, we deny the petition for review substantially on the reasoning of the Board. See In re: Olympio (B.I.A. Apr. 8, 2008). We note that Olympio's ineffective assistance of counsel claims are foreclosed by our recent decision in Afanwi v. Mukasey, 526 F.3d 788, 796-99 (4th Cir. 2008) (holding that there is no constitutional right under the Fifth Amendment to effective assistance of counsel in removal proceedings). 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