

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2261

ELPIDIA MANALANSAN CRUZ; SHERYLENE MANALANSAN CRUZ,

Petitioners,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: February 20, 2009

Decided: April 9, 2009

Before NIEMEYER, MICHAEL, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Hugo R. Valverde, VALVERDE & ROWELL, P.C., Virginia Beach, Virginia, for Petitioners. Gregory G. Katsas, Assistant Attorney General, John S. Hogan, Senior Litigation Counsel, Robbin Blaya, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elpidia Manalansan Cruz and her daughter, Sherylene Manalansan Cruz, natives and citizens of the Philippines, petition for review of an order of the Board of Immigration Appeals ("Board") denying their untimely motion to reopen. We deny the petition for review.

This court reviews 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). A denial of a motion to reopen must be reviewed with extreme deference, since immigration statutes do not contemplate reopening and the applicable regulations disfavor such motions. M.A. v. INS, 899 F.2d 304, 308 (4th Cir. 1990) (en banc). We 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. "[A]dministrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary." 8 U.S.C. § 1252(b)(4)(B) (2006). The Board's decision need only be reasoned, not convincing. M.A., 899 F.2d at 310.

We find no abuse of discretion. Furthermore, we are without jurisdiction to review the Board's decision not to exercise its authority to sua sponte reopen the proceedings.

See Mosere v. Mukasey, 552 F.3d 397, 400-01 (4th Cir. 2009). We further note there is no Fifth Amendment right to effective assistance of counsel during the course of removal proceedings. See Massis v. Mukasey, 549 F.3d 631, 637 (4th Cir. 2008); Afanwi v. Mukasey, 526 F.3d 788, 799 (4th Cir. 2008).

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