

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-1674**

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AUGUSTIN KAMGA,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A78-600-874)

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Submitted: February 17, 2006

Decided: March 7, 2006

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Before NIEMEYER, TRAXLER, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Patrick G. Tzeuton, Silver Spring, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, Michelle Gorden Latour, Assistant Director, Surell Brady, Attorney Advisor, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Augustin Kamga, a native and citizen of Cameroon, petitions for review of the Board of Immigration Appeals' (Board) order denying his motion for reconsideration of the Board's denial of his motion to reopen his immigration proceedings. We affirm.

It is undisputed that Kamga's motion to reconsider was untimely. See 8 C.F.R. § 1003.2(b)(2) (2004). However, under 8 C.F.R. § 1003.2(a) (2004), the Board has authority to reopen or reconsider a case in which it issued a final decision on its own motion at any time. Kamga therefore argues that the Board should have sua sponte exercised its authority under 8 C.F.R. § 1003.2(a) (2004) to reopen or reconsider his case. We find that this court is without jurisdiction to review this claim. See 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); Heckler v. Chaney, 470 U.S. 821, 831-33 (1985).

Moreover, we have reviewed the administrative record and conclude that Kamga did not exhaust his administrative remedies with respect to this claim because he did not present it on appeal to the Board. See 8 U.S.C. § 1252(d)(1) (2000); Asika v. Ashcroft, 362 F.3d 264, 267 n.3 (4th Cir. 2004), cert. denied, 543 U.S. 1049 (2005).

Accordingly, we deny Kamga's 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