

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1696

YONG DIAN CHEN,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A76-091-291)

Submitted: February 22, 2006

Decided: April 4, 2006

Before NIEMEYER, GREGORY, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Wendy Tso-Horiuchi, LAW OFFICES OF WENDY TSO-HORIUCHI, P.C., New York, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, James A. Hunolt, Senior Litigation Counsel, Eric W. Marsteller, Office of Immigration Litigation, Civil Division, 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Unpublished opinions are not binding precedent in this circuit.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:

Yong Dian Chen, a native and citizen of the People's Republic of China, petitions for review of an October 8, 2004 order of the Board of Immigration Appeals ("Board") denying Chen's motion to reopen immigration proceedings. We review the denial of a motion to reopen for abuse of discretion. INS v. Doherty, 502 U.S. 314, 323-24 (1992). We have reviewed the record and the Board's order and find that the Board did not abuse its discretion in denying the motion as untimely filed. See 8 U.S.C.A. § 1229a(c)(7)(C)(I) (West 1999 & Supp. 2005); 8 C.F.R. § 1003.2(c)(2) (2005). 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