

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1795

ZEBIBA KEBEDE SEID,

Petitioner,

versus

ALBERTO R. GONZALES,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-898-783)

Submitted: February 15, 2006

Decided: March 7, 2006

Before WILLIAMS, KING, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Oti W. Nwosu, THE LAW OFFICE OF OTI W. NWOSU, Arlington, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Michele S. Greif, Office of Immigration Litigation, 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Unpublished opinions are not binding precedent in this circuit.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:

Zebiba Kebede Seid, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals ("Board") denying her motion to reconsider its previous order, which denied her motion to reopen immigration proceedings.*

A denial of a motion to reconsider is reviewed for abuse of discretion. 8 C.F.R. § 1003.2(a) (2005); Jean v. Gonzales, ___ F.3d ___, ___, 2006 WL 205041, at *5 (4th Cir. Jan. 27, 2006). The Board ruled that Seid did not warrant the exercise of favorable discretion because she did not assert an error in fact or law in its decision denying reopening of her immigration proceedings. We have reviewed the evidence of record and conclude that the Board did not abuse its discretion in denying the motion. Accordingly, we deny the petition for review for the reasons stated by the Board. See In re: Seid, No. A95-898-783 (B.I.A. June 30, 2005). 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

*Insofar as Seid seeks to challenge the Board's order of April 21, 2005, which denied her petition to reopen immigration proceedings, we are without jurisdiction because Seid failed to file a petition for review of that order within the thirty-day time period. See 8 U.S.C. § 1252(b)(1) (2000). This time period is "jurisdictional in nature" and is not tolled by filing a motion to reconsider with the Board. Stone v. INS, 514 U.S. 386, 394, 405 (1995).