

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1057

DAOUR NDIAYE,

Petitioner,

versus

ALBERTO R. GONZALES, United States Attorney
General,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A97-165-161)

Submitted: July 24, 2006

Decided: August 7, 2006

Before NIEMEYER, MOTZ, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington,
Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney
General, M. Jocelyn Lopez Wright, Assistant Director, Song E. Park,
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Unpublished opinions are not binding precedent in this circuit.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:

Daour Ndiaye, a native and citizen of Senegal, petitions this court for review of an order of the Board of Immigration Appeals (Board) affirming the immigration judge's denial of a motion to reconsider. The Board also found that the immigration judge did not abuse his discretion in denying Ndiaye voluntary departure.

First, we have considered Ndiaye's challenge to the discretionary denial of voluntary departure and conclude that we lack jurisdiction to review it. See 8 U.S.C. § 1229c(f) (2000) ("No court shall have jurisdiction over an appeal from denial of a request for an order of voluntary departure"); 8 U.S.C. § 1252(a)(2)(B)(I) (2000) ("[N]o court shall have jurisdiction to review any judgment regarding the granting of relief under section 1229c [the section governing voluntary departure]); Ngarurih v. Ashcroft, 371 F.3d 182, 193 (4th Cir. 2004) (noting that "[s]ection 1229c specifically precludes review of a denial of a request for voluntary departure [and] [l]ikewise, the general judicial review provision precludes review of orders granting voluntary departure").

Next, we have reviewed the record and the Board's decision and find that the Board did not abuse its discretion in denying Ndiaye's motion to reconsider. See 8 C.F.R. § 1003.2(a) (2006); INS v. Doherty, 502 U.S. 314, 323-24 (1992); Jean v.

Gonzales, 435 F.3d 475, 481 (4th Cir. 2006). We therefore deny the petition for review for the reasons stated by the Board. See In Re: Ndiaye, No. A97-165-161 (B.I.A. Dec. 13, 2005).

We accordingly 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