

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1125

ETSGENET TAMRAT; D.F.,

Petitioners,

versus

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A97-745-429)

Submitted: November 28, 2007

Decided: December 17, 2007

Before GREGORY, SHEDD, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Alan M. Parra, Law Office of Alan M. Parra, Silver Spring, Maryland, for Petitioners. Peter D. Keisler, Assistant Attorney General, Leslie McKay, Senior Litigation Counsel, Kelly J. Walls, 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Unpublished opinions are not binding precedent in this circuit.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:

Etsgenet Tamrat,* a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals ("Board"). In that order, the Board construed Tamrat's "Motion to Reconsider," denied by the immigration judge, as a motion to reopen and dismissed the appeal on the ground that the new evidence was not "material, previously unavailable," or specific to her claimed fear of persecution. The Board's order also denied Tamrat's "Motion to Reopen and Remand" as numerically barred under 8 C.F.R. § 1003.2(c)(2) (2007).

In her brief on appeal, Tamrat challenges only the Board's denial of her second motion. We have reviewed the record and the Board's order and find that the Board did not abuse its discretion in denying Tamrat's "Motion to Reopen and Remand." See 8 C.F.R. § 1003.2(a) (2007); INS v. Doherty, 502 U.S. 314, 323-24 (1992) (standard of review of denial of motion to reopen). We therefore deny the petition for review for the reasons stated by the Board. See In re Tamrat, No. A97-745-429 (B.I.A. Jan. 17, 2007). We dispense with oral argument because the facts and legal

*D.F., the son of Tamrat's common law husband, is listed as a rider in the amended petition for review. However, D.F. does not meet the definition of a child under 8 U.S.C. § 1101(b)(1) (West 2005 & Supp. 2007), and so cannot be a derivative beneficiary of Tamrat's application. 8 U.S.C.A. § 1158(b)(3)(A) (West 2005); 8 C.F.R. § 1208.21(a) (2007). Further, D.F. raised no issues concerning his own application with the Board or in this court. Therefore, he is entitled to no relief.

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED