

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1297

RADLEY ALEXANDER FAULKNER,

Petitioner,

versus

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A75-836-265)

Submitted: October 31, 2007

Decided: December 6, 2007

Before KING and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge

Petition denied by unpublished per curiam opinion.

Anser Ahmad, AHMAD LAW OFFICES, P.C., Harrisburg, Pennsylvania, for Appellant. Linda S. Wernery, Assistant Director, Leslie McKay, Senior Litigation Counsel, Washington, D.C., for Appellee

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Radley Alexander Faulknor, a native and citizen of Jamaica, petitions for review of an order of the Board of Immigration Appeals ("Board") denying as untimely his motion to reopen. We deny the petition for review.

An alien may file one motion to reopen within ninety days of the entry of a final order of removal. 8 U.S.C.A. § 1229a(c)(7)(A), (C) (West 2005 & Supp. 2007); 8 C.F.R. § 1003.2(c)(2) (2007). We review the Board's denial of a motion to reopen for abuse of discretion. 8 C.F.R. § 1003.2(a) (2007); INS v. Doherty, 502 U.S. 314, 323-24 (1992); Nibagwire v. Gonzales, 450 F.3d 153, 156 (4th Cir. 2006). A denial of a motion to reopen must be reviewed with extreme deference, since immigration statutes do not contemplate reopening and the applicable regulations disfavor motions to reopen. M.A. v. INS, 899 F.2d 304, 308 (4th Cir. 1990) (en banc). In explaining the degree of deference given to the agency's discretionary review, this court has observed that the decision to deny a motion to reopen "need only be reasoned, not convincing." Id. at 310 (internal quotation marks and citation omitted). We will reverse a denial of a motion to reopen only if the denial is "arbitrary, capricious, or contrary to law." Barry v. Gonzales, 445 F.3d 741, 745 (4th Cir. 2006) (internal quotation marks and citation omitted), cert. denied, 127 S. Ct. 1147 (2007).

There is no doubt that Faulknor's motion to reopen was untimely. Accordingly, we find the Board did not abuse its discretion in denying the motion to reopen. 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