UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1526

YONAS SOLOMON-TEBIKA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A200-038-049)

Submitted: February 13, 2008 Decided: March 7, 2008

Before GREGORY and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Solomon Bekele, LAW OFFICES OF SOLOMON & ASSOCIATES, Silver Spring, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Yamileth G. HandUber, 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Unpublished opinions are not binding precedent in this circuit.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:

Yonas Solomon-Tebika, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's order denying the motion to reconsider. We deny the petition for review.

Our jurisdiction is limited to the Board's order dismissing the appeal from the order denying the motion to reconsider. In his brief, Solomon-Tebika challenges the immigration judge's earlier order denying his applications for asylum, withholding from removal and withholding under the Convention Against Torture. This court lacks jurisdiction over these challenges because Solomon-Tebika failed to exhaust administrative remedies by appealing the immigration judge's decision to the Board. "A court may review a final order of removal only if . . . the alien has exhausted all administrative remedies available to the alien as of right." 8 U.S.C.A. § 1252(d)(1) (West 2005). When Congress has statutorily mandated exhaustion, that requirement must be enforced. Kurfees v. INS, 275 F.3d 332, 336 (4th Cir. 2001). Moreover, this court has held it lacks jurisdiction to consider an argument not made before the Board. Asika v. Ashcroft, 362 F.3d 264, 267 n.3 (4th Cir. 2004).

Because Solomon-Tebika does not challenge the Board's order dismissing his appeal from the immigration judge's order

denying the motion to reconsider in his brief, we will not review the order. "It is a well settled rule that contentions not raised in the argument section of the opening brief are abandoned." United States v. Al-Hamdi, 356 F.3d 564, 571 n.8 (4th Cir. 2004).

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