

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1532

ANTOINE LETOOMBANTA NONON SAA,

Petitioner,

versus

PETER D. KEISLER, Acting Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A97-624-172)

Submitted: November 6, 2007

Decided: November 20, 2007

Before NIEMEYER, MOTZ, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Oti W. Nwosu, THE LAW OFFICE OF OTI W. NWOSU, Arlington, Virginia, for Petitioner. Linda S. Wernery, Assistant Director, Leslie McKay, Senior Litigation Counsel, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antoine Letoombanta Nonon Saa, a native and citizen of Togo, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reconsider the denial of his motion to reopen. We deny the petition for review.

We review the Board's decision to deny a motion to reconsider for abuse of discretion. INS v. Doherty, 502 U.S. 314, 323-24 (1992); see 8 C.F.R. § 1003.2(a) (2007). A motion for reconsideration asserts that the Board made an error in its earlier decision, Turri v. INS, 997 F.2d 1306, 1311 n.4 (10th Cir. 1993), and requires the movant to specify the error of fact or law in the prior Board decision. 8 C.F.R. § 1003.2(b)(1) (2007); Matter of Cerna, 20 I. & N. Dec. 399, 402 (BIA 1991) (noting that a motion to reconsider questions a decision for alleged errors in appraising the facts and the law). The burden is on the movant to establish that reconsideration is warranted. INS v. Abudu, 485 U.S. 94, 110 (1988). "To be within a mile of being granted, a motion for reconsideration has to give the tribunal to which it is addressed a reason for changing its mind." Ahmed v. Ashcroft, 388 F.3d 247, 249 (7th Cir. 2004). Motions that simply repeat contentions that have already been rejected are insufficient to convince the Board to reconsider a previous decision. Id.

We find the Board did not abuse its discretion. Saa merely repeated in his motion to reconsider contentions raised in

his motion to reopen. He failed to address the adverse credibility finding and did not establish prima facie eligibility for the relief sought. Saa also failed to establish the Board erred by finding some of the newly discovered evidence could have been presented to the immigration judge at the merits hearing.

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