

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1972

DESIRE KOFFI YEBOUA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the
Board of Immigration Appeals.
(A72-378-611)

Submitted: February 21, 2008

Decided: February 25, 2008

Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Desire Koffi Yeboua, Petitioner Pro Se. Peter D. Keisler,
Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant
Director, Eric W. Marsteller, 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Unpublished opinions are not binding precedent in this circuit.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:

Desire Koffi Yeboua, a native and citizen of the Ivory Coast, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reopen his immigration proceedings.

Based on our review of the record, we find that the Board did not abuse its discretion in denying the motion as untimely filed. See 8 C.F.R. § 1003.2(c)(2) (2007). We further find that we lack jurisdiction to review Yeboua's claim that the Board should have exercised its *sua sponte* power to reopen his proceedings. See *Ali v. Gonzales*, 448 F.3d 515, 518 (2d Cir. 2006) (collecting cases). Accordingly, although we grant Yeboua's motion to proceed in forma pauperis on appeal, 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