

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1036**

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GUSTAVE D. BIAKA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals.

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Submitted: October 17, 2008

Decided: November 13, 2008

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Before MICHAEL, DUNCAN, and AGEE, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Ronald D. Richey, LAW OFFICE OF RONALD D. RICHEY, Rockville, Maryland, for Petitioner. Gregory G. Katsas, Assistant Attorney General, Terri J. Scadron, Assistant Director, Kristina R. Sracic, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gustave D. Biaka, 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 reconsider, which the Board construed as his third motion to reopen. We have reviewed the record and the Board's order and find that the Board did not abuse its discretion in denying the motion. See 8 C.F.R. § 1003.2(a) (2008). Accordingly, we deny the petition for review for the reasons stated by the Board. See In re: Biaka (B.I.A. Nov. 15, 2007). 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