

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-2397**

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GOPAL PYAKUREL; LEKH KUMARI PYAKUREL,

Petitioners,

v.

ERIC H. HOLDER, JR., 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: July 16, 2009

Decided: August 19, 2009

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Khaghendra Gharti-Chhetry, CHHETRY & ASSOCIATES, P.C., New York, New York, for Petitioners. Tony West, Assistant Attorney General, Ernesto H. Molina, Jr., Assistant Director, Anthony P. Nicastro, 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Unpublished opinions are not binding precedent in this circuit.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:

Gopal Pyakurel and his wife, Lekh Kumari Pyakurel, petition for review an order of the Board of Immigration Appeals ("Board") denying their motion to reopen and reconsider. We deny the petition for review.

This court reviews the Board's denial of a motion to reopen and reconsider with extreme deference and only for abuse of discretion. 8 C.F.R. § 1003.2(a) (2009); Barry v. Gonzales, 445 F.3d 741, 744 (4th Cir. 2006); Jean v. Gonzales, 435 F.3d 475, 481 (4th Cir. 2006); Stewart v. INS, 181 F.3d 587, 595 (4th Cir. 1999). The Board's broad discretion will be reversed only if its decision "lacked a rational explanation, departed from established policies, or rested on an impermissible basis." Jean, 435 F.3d at 483 (internal quotation marks and citations omitted).

A motion for reconsideration asserts that the Board made an error in its earlier decision, Jean, 435 F.3d at 482-83, and requires the movant to specify that error. 8 C.F.R. § 1003.2(b)(1) (2009); In re Cerna, 20 I. & N. Dec. 399, 402 (B.I.A. 1991) (noting that a motion to reconsider questions a decision for alleged errors in appraising the facts and the law). "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.

This court will reverse the Board's denial of a motion to reopen only if the denial is "arbitrary, capricious, or contrary to law." Barry, 445 F.3d at 745.

We find no abuse of discretion with the Board's denial of the Petitioners' motion. They failed to note any error of law or fact with the earlier decision and they failed to provide evidence that addressed the issues raised in the immigration judge's order denying relief.

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