

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1123

JOSE V. LOPEZ,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: July 7, 2011

Decided: August 10, 2011

Before WILKINSON, KING, and DIAZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Jason Pope, BERLIN AND ASSOCIATES, P.A., Baltimore, Maryland, for Petitioner. Tony West, Assistant Attorney General, Luis E. Perez, Senior Litigation Counsel, John B. Holt, 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Unpublished opinions are not binding precedent in this circuit.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:

Jose V. Lopez, a native and citizen of El Salvador, petitions for review of an order of the Board of Immigration Appeals denying his motion to reconsider. We deny the petition for review.

The denial of a motion to reconsider is reviewed for abuse of discretion. Narine v. Holder, 559 F.3d 246, 249 (4th Cir. 2009); Jean v. Gonzales, 435 F.3d 475, 481 (4th Cir. 2006). To be successful, a motion to reconsider must assert that the Board made an error of law or fact in its earlier decision. See 8 C.F.R. § 1003.2(b)(1). This court will reverse a denial of a motion to reconsider "only if the Board acted arbitrarily, irrationally, or contrary to law." Narine, 559 F.3d at 249 (internal quotation marks omitted).

We conclude that the Board did not abuse its discretion in ruling that there was no error in its earlier decision that Lopez was not eligible for voluntary departure under 8 U.S.C. § 1229c(a)(1) (2006). We also conclude that the Board did not err in finding that Lopez failed to meet his burden of showing that he was eligible for voluntary departure under 8 U.S.C. § 1229c(b)(1).

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