

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1516

ERDENESUREN DAGAMJAV,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

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

Submitted: December 17, 2015

Decided: February 9, 2016

Before GREGORY, WYNN, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

John L. Wheaton, JOHN L. WHEATON, ATTORNEY AT LAW, PLLC, Seattle, Washington, for Petitioner. Benjamin C. Mizer, Principal Deputy Assistant Attorney General, Song Park, Senior Litigation Counsel, Timothy G. Hayes, 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Unpublished opinions are not binding precedent in this circuit.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:

Erdenesuren Dagamjav, a native and citizen of Mongolia, petitions for review of an order of the Board of Immigration Appeals dismissing Dagamjav's appeal of the immigration judge's denial of his motion to reopen through which Dagamjav sought rescission of a previously entered in absentia order of removal. We have reviewed the administrative record and find no abuse of discretion in the denial of relief on Dagamjav's motion. See 8 C.F.R. § 1003.23(b)(4)(ii) (2015). Substantial evidence supports the immigration judge's factual determination, affirmed by the Board, that Dagamjav's prior attorney did not provide ineffective assistance of counsel, see 8 U.S.C. § 1252(b)(4)(B) (2012) ("[A]dministrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary."), such that the 180-day period for filing such a motion to reopen would be equitably tolled, see 8 U.S.C. § 1229a(b)(5)(C)(i) (2012) (setting forth time limitation for filing a motion to reopen to seek rescission of an in absentia order of removal).

Accordingly, we deny the petition for review for the reasons stated by the Board. See In re: Dagamjav (B.I.A. Mar. 20, 2015). We dispense with oral argument because the facts and legal contentions are adequately presented in the

materials before this court and argument would not aid the decisional process.

PETITION DENIED