

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-2117

BLASIOUS MVO KUM,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent.

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

Submitted: July 31, 2008

Decided: September 2, 2008

Before WILKINSON, NIEMEYER, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Albert Isiaka Usumanu, Minneapolis, Minnesota, for Petitioner.
Gregory G. Katsas, Acting Assistant Attorney General, Linda S.
Wernery, Assistant Director, Leslie McKay, Senior Litigation
Counsel, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Blasius Mvo Kum, a native and citizen of Cameroon, petitions for review of an order of the Board of Immigration appeals (Board) denying his untimely motions to recalendar removal proceedings and reissue its order of October 1, 2004.* Kum asserts that the Board erred in refusing to reopen his proceedings on account of ineffective assistance of counsel that violated his rights under the Due Process Clause of the Fifth Amendment. We find that such a claim is not cognizable in immigration proceedings. See Afanwi v. Mukasey, 526 F.3d 788, 798 (4th Cir. 2008) (holding that retained counsel's ineffective assistance in a removal proceeding cannot deprive an alien of his Fifth Amendment right to a fundamentally fair hearing).

We accordingly 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

*The Board analyzed Kum's motions to recalendar and reissue as motions to reopen, and Kum does not contest this on appeal. Neither does he dispute the Board's finding that the motions were untimely.