

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1003

RIGOBERTO OSORIO-SANCHEZ,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: August 19, 2011

Decided: September 2, 2011

Before TRAXLER, Chief Judge, and GREGORY and DAVIS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Marc Seguinót, SEGUINÓT & ASSOCIATES, PC, Dunn Loring, Virginia, for Petitioner. Tony West, Assistant Attorney General, Carl H. McIntyre, Assistant Director, Justin R. Markel, UNITED STATES DEPARTMENT OF JUSTICE, Washington, DC, for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rigoberto Osorio-Sanchez, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reopen immigration proceedings. This court reviews the denial of a motion to reopen for abuse of discretion. 8 C.F.R. § 1003.2(a) (2011); see INS v. Doherty, 502 U.S. 314, 323-24 (1992); Mosere v. Mukasey, 552 F.3d 397, 400 (4th Cir.), cert. denied, 130 S. Ct. 137 (2009). We will reverse a denial of a motion to reopen "only if it is arbitrary, irrational, or contrary to law." Mosere, 552 F.3d at 400 (internal quotation marks omitted).

In his appellate brief, Osorio-Sanchez presents no argument relevant to whether the Board abused its discretion in denying his motion to reopen. Therefore, we conclude that this issue has been abandoned on appeal. Fed. R. App. P. 28(a)(9)(A); United States v. Al-Hamdi, 356 F.3d 564, 571 n.8 (4th Cir. 2004) ("It is a well settled rule that contentions not raised in the argument section of the opening brief are abandoned."); Yousefi v. INS, 260 F.3d 318, 326 (4th Cir. 2001) (stating failure to raise an issue in an opening brief results in abandonment of that issue). Accordingly, we deny the petition for review. See In re: Osorio-Sanchez (B.I.A. Dec. 22, 2010). 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