

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2327

XIAOBING LIN, a/k/a Xiao Bing Lin, a/k/a Xiao Bin Lin,
a/k/a Xiaobin Lin,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: April 28, 2014

Decided: April 30, 2014

Before WILKINSON and THACKER, Circuit Judges, and HAMILTON,
Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Matthew L. Guadagno, LAW OFFICE OF MATTHEW L. GUADAGNO, New York, New York, for Petitioner. Stuart F. Delery, Assistant Attorney General, Cindy S. Ferrier, Assistant Director, Keith I. McManus, Senior Litigation Counsel, 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Unpublished opinions are not binding precedent in this circuit.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:

Xiaobing Lin, a native and citizen of the People's Republic of China, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reopen. We deny the petition for review.

We review the Board's denial of a motion to reopen for abuse of discretion. See 8 C.F.R. § 1003.2(a) (2013); Mosere v. Mukasey, 552 F.3d 397, 400 (4th Cir. 2009). We conclude that the Board did not abuse its discretion finding that Lin was not prejudiced by counsel's failure to seek cancellation of removal and by the immigration judge's failure to advise Lin that he may be eligible for such relief. See Rusu v. INS, 296 F.3d 316, 320-21 (4th Cir. 2002). We also conclude that the Board did not abuse its discretion finding that Lin's new and previously unavailable evidence warranted reopening.

We conclude that there is no merit to Lin's claims that the Board used the wrong standard of review or that it failed to consider all the evidence.

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 this court and argument would not aid the decisional process.

PETITION DENIED