

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1487

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|--|---|-------------------------|
| Sunday Eluemunor Ijeh, | * | |
| | * | |
| Petitioner, | * | |
| | * | Petition for Review of |
| v. | * | an Order of the Board |
| | * | of Immigration Appeals. |
| Michael B. Mukasey, ¹ | * | |
| Attorney General of the United States, | * | [UNPUBLISHED] |
| | * | |
| Respondent. | * | |

Submitted: June 13, 2008
Filed: June 16, 2008

Before BYE, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Sunday Eluemunor Ijeh, a citizen of Nigeria, petitions for review of an order of the Board of Immigration Appeals (BIA) dismissing his appeal of an Immigration Judge's (IJ's) denial of his motion to reopen deportation proceedings to seek adjustment of status, and denying reconsideration of the IJ's order.

¹Michael B. Mukasey, now Attorney General of the United States, is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

We conclude that the BIA acted within its discretion in dismissing Ijeh's appeal and denying reconsideration. See Kanyi v. Gonzales, 406 F.3d 1087, 1089 (8th Cir. 2005) (standard of review of denial of motion to reopen); Esenwah v. Ashcroft, 378 F.3d 763, 765 (8th Cir. 2004) (motion for reconsideration). Ijeh did not establish prima facie eligibility for adjustment of status, see 8 C.F.R. § 1003.23(b)(3); Alizoti v. Gonzales, 477 F.3d 448, 451-53 (6th Cir. 2007), and any alleged ineffective assistance of counsel he may have received in connection with his adjustment-of-status application did not provide a ground upon which to grant reopening, see Guerra-Soto v. Ashcroft, 397 F.3d 637, 640-41 (8th Cir. 2005).

Accordingly, we deny the petition.
