

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60469
Conference Calendar

AINA OBAFEMI ABRAHAM,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

- - - - -
Petition for Review of an Order of the
Board of Immigration Appeals
No. A28-687-050

- - - - -
April 16, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

This court reviews the BIA's summary dismissal for an abuse of discretion. Medrano-Villatoro v. INS, 866 F.2d 132, 134 (5th Cir. 1989); Townsend v. United States Dep't of Justice INS, 799 F.2d 179, 182 (5th Cir. 1986). The Board may summarily dismiss any appeal if "[t]he party concerned indicates on Form EOIR-26 . . . that he or she will file a brief or statement in support of the appeal and, thereafter, does not file such brief or statement, or reasonably explain his or her failure to do so, within the time set for filing." 8 C.F.R. § 3.1(d)(1-a)(i)(E) (1995).

Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Abraham failed to file a brief after asserting he would do so. Neither Abraham, nor his counsel provided a reason to the BIA for the failure to file a brief by the deadline. The summary dismissal of Abraham's appeal was not an abuse of discretion.

PETITION DENIED.