

**June 23, 2003**

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-60713  
Summary Calendar

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DULAL MRIDHA,

Petitioner,

versus

JOHN ASHCROFT, U. S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A73 569 373  
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Before DAVIS, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Petitioner Dulal Mridha petitions this court for review of the Board of Immigration Appeals's (BIA) 1998 order denying his asylum application and ordering deportation, and its 2002 order denying Petitioner's motion to reopen deportation proceedings. The Respondent has moved for summary affirmance or, in the alternative, to reset the briefing schedule to allow him to file a brief.

As Mridha's time for appealing the BIA's denial of his asylum application and order of deportation has expired, and as Mridha has

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

failed to challenge the BIA's determination that he failed to present new material evidence in support of his motion to reopen, we grant the Respondent's motion for summary affirmance, deny his alternative motion as unnecessary, and affirm the BIA's rulings. PETITION FOR REVIEW DENIED; RULINGS AND ORDERS OF BIA AFFIRMED; ALTERNATIVE MOTION DENIED.