

August 16, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60621
Summary Calendar

KOL MAPKU,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

**Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A79 048 062**

Before JONES, BENAVIDES and CLEMENT, Circuit Judges.

PER CURIAM:*

Kol Mapku, also known as Kole Marku, petitions this court for review of the Board of Immigration Appeals' ("BIA") decision affirming the Immigration Judge's ("IJ") denial of his motion to reopen deportation proceedings. Mapku argues that: (1) the BIA abused its discretion by affirming the IJ's decision, (2) equitable tolling should apply to his case, and (3) that his due process rights were violated when the BIA adopted the reasoning of the IJ and affirmed the IJ's decision.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Mapku has failed to show that the BIA abused its discretion by affirming the denial of his motion to reopen. See Lara v. Trominski, 216 F.3d 487, 496 (5th Cir. 2000). As the operation of a statute of limitations is not at issue in this case, Mapku's equitable tolling argument is without merit. See United States v. Patterson, 211 F.3d 927, 930 (5th Cir. 2000). Furthermore, Mapku's due process argument is unavailing. See Soadjede v. Ashcroft, 324 F.3d 830, 831 (5th Cir. 2003). Accordingly, the petition for review is **DENIED**.