

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 92-4667
Summary Calendar

Nasser Ibrahim Ibrahim,

Petitioner,

VERSUS

Immigration and Naturalization Service,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
(A40 172 548)

January 7, 1993

Before HIGGINBOTHAM, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

Having carefully considered the briefs, the record excerpts, and the administrative record herein, we have concluded that the immigration judge did not abuse her discretion in refusing to grant a second continuance to petitioner, and in ordering petitioner's

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

deportation subject to a thirty-day period of voluntarily departure. Likewise, we have determined that the Board of Immigration Appeals did not abuse its discretion in dismissing petitioner's appeal, and in reinstating the thirty-day period for voluntary departure. Accordingly we DENY the petition for review filed by petitioner herein.

Petitioner also requests this court to reinstate the thirty-day period of voluntary departure if we dismiss the petition for review. As authority for such action, petitioner cites us to the decision of the Ninth Circuit Court of Appeals in Contreras-Aragon v. INS, 852 F.2d 1088, (9th Cir. 1988), and to an unpublished opinion of this court in No. 90-4808, Miguel Angel Paniagua-Mayorga et al. v. INS, (July 25, 1991). However, in our view, the controlling authority in this circuit is Masoud Farzad v. INS, 808 F.2d 1071, wherein another panel of this court held:

"[t]here is no legal or equitable persuasion for this court to augment the administrative remedy already available to Farzad of applying to the district director to grant an extension of voluntary departure. Our mention of this procedure should not be read to intimate any view of the outcome of such application."
Id. at 1072.

We decline, therefore, to act upon petitioner's request; but do so without prejudice to petitioner's right to seek administrative relief for an additional period of voluntary departure.