

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-4786  
Summary Calendar

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JOSHUA OGAL ANDHOGA,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

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Petition for Review of an Order  
of the Board of Immigration Appeals  
(A29 574 883)

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(February 26, 1993)

Before HIGGINBOTHAM, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Joshua Andhoga petitions for review of an order of the Board of Immigration Appeals ("BIA") dated May 7, 1992, dismissing his appeal of the immigration judge's denial of his motion to reopen his deportation proceedings. In its comprehensive opinion, the BIA set forth Andhoga's repeated efforts to delay his deportation and the BIA's reasons for dismissing this, his latest attempt.

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\* Local Rule 47.5.1 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 Pursuant to that rule, the court has determined that this opinion should not be published.

Essentially for the reasons set forth by the BIA, we deny the petition for review and affirm the BIA's dismissal of Andhoga's appeal of the immigration judge's denial of the motion to reopen.

Even if, arguendo, the other reasons given by the BIA were without merit, the BIA was well within its discretion in denying relief on the merits. As the BIA stated in its opinion,

The respondent is deportable under section 241(a)(9) of the [Immigration and Nationality] Act, 8 U.S.C. § 1251(a)(9), for violating his nonimmigrant student status which he has not challenged. The respondent admittedly failed to report for deportation as ordered and did not request a stay. The respondent has advanced an unmeritorious claim for suspension of deportation. We, like the immigration judge, find that the motion was filed to cause unnecessary delay.

To date, Andhoga has taken advantage of the system to delay the inevitable. There is no merit to his claim for relief, and it is time for this proceeding to be brought to a close. The petition for review is DISMISSED, and the order of the BIA is AFFIRMED.