UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-4945
Summary Calendar

JULIAN TORRES MEZA,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the
Immigration and Naturalization Service
(A20 276 278)

(October 3, 1994)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:[1]

Appellant Julian Torres Meza petitions us after the Board of Immigration Appeals (BIA) affirmed the denial of his motions to reopen and reconsider his deportation order. The immigration judge denied Meza's motions because his application for suspension of deportation was untimely. We affirm.

FACTS

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[1] 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Meza, a Mexican citizen, has entered this country illegally a number of times, the last time in July 1986. On April 5, 1989, the INS ordered Meza to show cause why he should not be deported for entering without inspection. At his master calendar hearing on September 9, 1991, Meza told the court that he would seek suspension of deportation, but that he had not prepared his application yet. The judge gave Meza until October 4, 1991 to prepare his application. Meza missed the deadline, and the judge ordered Meza deported on October 15, 1991.

DISCUSSION

We review the BIA's denial of motions to reopen or reconsider a deportation order under an abuse of discretion standard. INS v. Doherty, 112 S. Ct. 719, 725 (1992). Motions to reopen or reconsider are generally disfavored, and the BIA has broad discretion to grant or deny such motions. Id. at 724.

8 C.F.R. § 242.22 governs motions to reopen and reconsider. If the purpose of the motion to reopen is to provide the alien with an opportunity to make a suspension of deportation application, the motion shall be denied if the judge fully explains the alien's rights to him and affords him an opportunity to submit the application. 8 C.F.R. § 242.22 (1994).[2] Meza told the immigration

[2] The precise wording of 8 C.F.R. § 242.22 reads as follows:

> [N]or will any motion to reopen for the purpose of providing the respondent with an opportunity to make an application under § 242.17 be granted if respondent's rights to make such application were fully explained to him/her by the immigration judge and he/she was afforded an opportunity to do so at the hearing, unless circumstances have arisen thereafter on the basis of which the request is being made.

judge at the September 9, 1991 hearing that he would file a suspension of deportation application. The judge afforded Meza an opportunity to submit the application by giving him almost four weeks to prepare it. After Meza failed to submit his application by the October 4 deadline, the judge entered an order for Meza's deportation. When Meza moved the court to reopen the deportation proceedings, the judge cited 8 C.F.R. § 242.20 in denying the motion. We conclude that the judge did not abuse his discretion.

Meza's motion to reconsider fails because it lacks a legal basis. A motion to reconsider presents a new legal argument; a motion to reopen concerns new facts. 8 C.F.R. § 3.8 (1994). Meza states in his brief that he missed the deadline because of attorney error. He offers no legal theory or precedent, however, that would allow the court to reconsider its ruling. The court did not abuse its discretion by denying Meza's motion to reconsider.

The BIA's denial of the motions to reopen and reconsider is AFFIRMED.