

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2516

Ravindran Mahadevan,

Petitioner,

v.

Alberto Gonzales,¹ Attorney General
of the United States,

Respondent.

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* Petition for Review of an
* Order of the Board
* of Immigration Appeals.

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* [UNPUBLISHED]

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Submitted: April 18, 2005

Filed: April 22, 2005

Before BYE, RILEY, and COLLOTON, Circuit Judges.

PER CURIAM.

Malaysian citizen Ravindran Mahadevan petitions for review after the Board of Immigration Appeals (BIA) denied his motion for reconsideration. Because Mahadevan did not file his petition for review until more than thirty days after the BIA affirmed an Immigration Judge's decision finding that Mahadevan was subject to removal, see 8 U.S.C. § 1252(b)(1) (petition for review must be filed no later than

¹Alberto Gonzales has been appointed to Serve as Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

30 days of final order of removal); Strato v. Ashcroft, 388 F.3d 651, 654-55 (8th Cir. 2004) (motion to reconsider does not toll time for appeal of underlying removal order), the only order reviewable by this court is the denial of Mahadevan's motion to reconsider, a ruling we review for abuse of discretion, see Strato, 388 F.3d at 654 (standard of review); Boudaguian v. Ashcroft, 376 F.3d 825, 827 (8th Cir. 2004) (court reviewing denial of motion to reconsider does not have jurisdiction to review underlying order if that order was not timely appealed). We find no abuse of discretion in the BIA's denial of Mahadevan's motion to reconsider, as it was based solely on arguments Mahadevan had already raised when he initially sought review from the BIA. See 8 C.F.R. § 1003.2(b)(1) (2004) (motion to reconsider shall state reasons for motion by specifying errors of fact or law in prior BIA decision, and shall be supported by pertinent authority); Strato, 388 F.3d at 655 (motion to reconsider must give tribunal to which it is addressed reason for changing its decision; there is no reason to grant such motion if it merely reiterates reasons that failed to convince tribunal in first place).

Accordingly, we deny Mahadevan's petition for review.
