

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

ABDULKADIR ALI HASSAN,

Petitioner,

v.

U.S. IMMIGRATION & NATURALIZATION
SERVICE,

Respondent.

ü

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No. 00-1445

On Petition for Review of an Order
of the Board of Immigration Appeals.
(A28-072-018)

Submitted: August 31, 2000

Decided: October 23, 2000

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam
opinion.

COUNSEL

Diane McHugh-Martinez, LAW OFFICE OF MCHUGH-
MARTINEZ, Washington, D.C., for Petitioner. David W. Ogden,
Acting Assistant Attorney General, Richard M. Evans, Assistant
Director, Joseph W. Ciolino, Office of Immigration Litigation,
UNITED STATES DEPARTMENT OF JUSTICE, Washington,
D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Abdulkadir Ali Hassan petitions for review of a final order of the Board of Immigration Appeals (Board) denying his application for suspension of deportation and his motion to reopen. Hassan first contends that the Board abused its discretion in denying him relief in the form of suspension of deportation when it found he did not merit relief as a matter of discretion. Under § 309(c)(4)(E) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-128, 110 Stat. 3009, we lack jurisdiction to review the Board's discretionary decision to deny relief. *See Kalaw v. INS*, 133 F.3d 1147, 1152 (9th Cir. 1997). Thus, we dismiss as to this claim.

Hassan next asserts that the Board abused its discretion in denying his motion to reopen. We have reviewed the record and the Board's decision and find that the Board did not abuse its discretion in denying the motion. *See Stewart v. INS*, 181 F.3d 587, 595 (4th Cir. 1999); *Ghosh v. Attorney Gen.*, 629 F.2d 987, 989 (4th Cir. 1980); *Matter of Lozada*, 19 I. & N. Dec. 637, 639 (BIA 1988); *Matter of Rivera-Claros*, Int. Dec. 3296 (BIA 1996); 8 C.F.R. § 3.2(c)(2000). We accordingly affirm the Board's denial of relief on this claim. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED IN PART, AFFIRMED IN PART

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UNITED STATES DEPARTMENT OF JUSTICE, Washington,
D.C., for Respondent.

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OPINION

PER CURIAM:

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DISMISSED IN PART, AFFIRMED IN PART