

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-2228**

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ROSARIO PRIOLA,

Petitioner,

versus

JOHN ASHCROFT, United States Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A20-841-434)

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Submitted: October 1, 2003

Decided: October 17, 2003

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Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

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Petition dismissed by unpublished per curiam opinion.

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Thomas A. Elliot, Fabienne Chatain, ELLIOT & MAYOCK, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, David M. McConnell, Deputy Director, Francesco Isgro, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Rosario Priola, a native and citizen of Italy, petitions for review of a final order of the Board of Immigration Appeals denying his motion to reopen and reconsider. This case is governed by the transitional rules of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, 110 Stat. 3009. Upon our review, we conclude that we do not have jurisdiction to consider Priola's appeal. See IIRIRA § 309(c)(4)(E), (G); Hall v. INS, 167 F.3d 852, 854-56 (4th Cir. 1999).

Priola nevertheless raises two constitutional challenges on the grounds of procedural due process and equal protection, contending that they constitute substantial constitutional questions not subject to the jurisdictional bar. Assuming, without deciding, that substantial constitutional questions are indeed reviewable in the context of a petition for review that is otherwise barred, we find that Priola's challenges do not qualify as such. See Ramtulla v. Ashcroft, 301 F.3d 202, 203-04 (4th Cir. 2002), cert. denied, \_\_\_ U.S. \_\_\_, 123 S. Ct. 2577 (2003).

We accordingly dismiss the petition for review for lack of jurisdiction. We deny Priola's request to transfer this petition to the district court for consideration as a petition under 28 U.S.C. § 2241 (2000), and 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.

PETITION DISMISSED