

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1365

MODESTO SANTIAGO ALLASI,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A72-194-363)

Submitted: November 19, 2003

Decided: December 16, 2003

Before LUTTIG, WILLIAMS, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Antoinette J. Rizzi, LAW OFFICES OF ANTOINETTE J. RIZZI, Falls Church, Virginia, for Petitioner. Peter D. Kiesler, Assistant Attorney General, David V. Bernal, Assistant Director, Ernesto H. Molina, Jr., 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Unpublished opinions are not binding precedent in this circuit.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).

PER CURIAM:

Modesto Santiago Allasi, a native and citizen of Peru, petitions for review of an order of the Board of Immigration Appeals denying his application for adjustment of status. We have reviewed the administrative record and the Board's order and conclude that substantial evidence supports the Board's finding that Allasi is statutorily ineligible for the relief sought. See 8 U.S.C. § 1105a(a)(4) (1994);* Matter of Namio, 14 I. & N. Dec. 412, 414 (BIA 1973).

We accordingly deny the petition for review. 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.

PETITION DENIED

* We note that 8 U.S.C. § 1105a(a)(4) was repealed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) effective April 1, 1997. Because this case was in transition at the time the IIRIRA was passed, 8 U.S.C. § 1105a(a)(4) is still applicable here under the terms of the transitional rules contained in § 309(c) of the IIRIRA.