

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1953

MARIANO ALBERT,

Petitioner,

versus

JOHN ASHCROFT,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A76-594-091)

Submitted: May 3, 2004

Decided: June 14, 2004

Before WILKINSON, NIEMEYER, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Ana T. Jacobs, ANA T. JACOBS & ASSOCIATES, P.C., Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, Terri J. Scadron, Assistant Director, Virginia M. Lum, 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Unpublished opinions are not binding precedent in this circuit.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:

Mariano Albert, a native and citizen of the Philippines, petitions for review of a Board of Immigrations Appeals ("Board") summary order denying his motion to reopen and reconsider its earlier order affirming, without opinion, an immigration judge's decision finding him removable as charged and denying his application for cancellation of removal.

In this petition, Albert solely attacks the Board's streamlined regulations codified at 8 C.F.R. § 1003.1(e)(4) (2003), arguing that these regulation as applied in his case retroactively deny him the right to review by at least three Board members, deny his right to due process of law, and contravene the Immigration and Naturalization Act. We have recently rejected identical challenges to the Board's streamlining regulations in Blanco de Belbruno v. Ashcroft, ___ F.3d ___, ___, 2004 WL 603501 at *5-*9 (4th Cir. Mar. 29, 2004) (No. 02-2142). See also Khattak v. Ashcroft, 332 F.3d 250, 253 (4th Cir.), cert. denied, 124 S. Ct. 833 (2003).

Accordingly, we find Albert's claims are meritless and deny his 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