

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2222

TEK JONG TJIE,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A79-342-996)

Submitted: July 28, 2004

Decided: August 19, 2004

Before KING, SHEDD, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Howard T. Mei, LAW OFFICES OF HOWARD T. MEI, Bethesda, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, Earle B. Wilson, Senior Litigation Counsel, 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Unpublished opinions are not binding precedent in this circuit.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:

Tek Jong Tjie, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals' ("Board") order affirming, without opinion, an immigration judge's decision finding that Tjie's asylum application was untimely filed and denying his applications for asylum and withholding of removal. For the following reasons, we deny Tjie's petition for review.

Tjie claims the immigration judge erred in finding his asylum application, filed through his spouse, was not timely filed, and the Board likewise erred in affirming the immigration judge's ruling on this point. We may not review the immigration judge's and the Board's determinations that an asylum applicant has failed to file a timely application. Under 8 U.S.C. § 1158(a)(3) (2000), the Attorney General's decision regarding whether an alien has complied with the one-year time limit or established extraordinary or changed circumstances justifying waiver of that time limit is not reviewable by any court. Moreover, a number of other circuits have held that this jurisdiction-stripping provision precludes federal appellate court review. See Haoud v. Ashcroft, 350 F.3d 201, 205 (1st Cir. 2003); Castellano-Chacon v. INS, 341 F.3d 533, 542-44 (6th Cir. 2003); Tarrawally v. Ashcroft, 338 F.3d 180, 185 (3d Cir. 2003); Molina-Estrada v. INS, 293 F.3d 1089, 1093 (9th Cir. 2002); Fahim v. U.S. Att'y Gen., 278 F.3d 1216, 1217-18 (11th Cir. 2002); Ismailov v. Reno, 263 F.3d 851, 854-55 (8th Cir. 2001).

Tjie also contends the Board erred in affirming the immigration judge's adverse credibility finding and the denial of his withholding of removal claim. We have reviewed the immigration judge's decision and conclude that the reasonable adjudicator would not be compelled to decide to the contrary. See 8 U.S.C. § 1252(b)(4)(B) (2000); Rusu v. INS, 296 F.3d 316, 325 n.14 (4th Cir. 2002).

Accordingly, we deny Tjie's 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