

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1959**

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BIN LIN,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A79-318-713)

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Submitted: April 27, 2005

Decided: June 10, 2005

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Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Karen Jaffe, New York, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Benjamin D. Brown, 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Unpublished opinions are not binding precedent in this circuit.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:

Bin Lin, a native and citizen of China, petitions for review of an order of the Board of Immigration Appeals affirming the Immigration Judge's (IJ) denial of his applications for asylum, withholding of removal, and protection under the Convention Against Torture.

Lin contends that he established eligibility for asylum. As the IJ concluded that the asylum application was untimely, we find that consideration of Lin's asylum claim is barred. See 8 U.S.C. § 1158(a)(3) (2000). Lin next asserts that he was denied due process at the asylum hearing because his testimony was rushed due to the interpreter's need to leave early for a medical appointment. We reject this claim because Lin fails to show that he was prejudiced by the alleged violation. See Rusu v. INS, 296 F.3d 316, 320 (4th Cir. 2002).

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