

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-2048

IBRAHIM ABDOSH ADOUS,

Petitioner,

versus

PETER D. KEISLER, Acting Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A27-669-918)

Submitted: September 21, 2007

Decided: October 9, 2007

Before KING and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Charles M. Wall, Arlington, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, Terri J. Scadron, Assistant Director, Joshua E. Braunstein, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ibrahim Abdosh Adous, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals (Board) affirming the immigration judge's order denying Adous' application for relief under former section 212(c) of the Immigration and Nationality Act, 8 U.S.C. § 1182(c). For the reasons discussed below, we deny the petition for review.

Adous was convicted of assault and battery of a family member under Va. Code § 18.2-57.2. He contends that because battery does not require bodily injury or intent to inflict bodily injury under Virginia law, his crime is not one of moral turpitude. It is unnecessary for us to resolve this point, however, because Adous was not convicted merely of battery. Rather, he was convicted of assault and battery pursuant to a statute that has been construed to require an intent to inflict bodily injury on the victim. See Leal v. Commonwealth, 559 S.E.2d 874, 878 (Va. App. 2002), rev'd on other grounds, Commonwealth v. Leal, 574 S.E.2d 285 (Va. 2003). Adous' failure to successfully inflict the harm he intended does not lessen the weight given to his crime. Accordingly, we deny the petition for review on the reasoning provided by the Board. 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