

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1328

ELVIS DAVID LEWIS,

Petitioner,

versus

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A76-594-192)

Submitted: January 15, 2008

Decided: January 29, 2008

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition dismissed in part; denied in part by unpublished per curiam opinion.

Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington, Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney General, Russell Verby, Senior Litigation Counsel, Robbin K. Blaya, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elvis David Lewis, a native and citizen of Grenada, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing Lewis's appeal of the Immigration Judge's decision denying relief from removal. Lewis first challenges the finding that he is removable for falsely claiming United States citizenship, and asserts that the Board erred in finding that he never contested this ground of removability on appeal. Our review discloses that Lewis in fact failed to exhaust administrative remedies with respect to this claim by raising it on appeal to the Board of Immigration Appeals. As such, we lack jurisdiction to review this unexhausted claim. See 8 U.S.C. § 1252(d)(1) (2000). Next, Lewis asserts that his right to due process was violated when the Immigration Judge precluded the presentation of evidence of rehabilitation at the 2005 hearings concerning Lewis's attempt to adjust his status. We find that Lewis cannot succeed with this due process claim because he fails to show the requisite prejudice resulting from the alleged error. See Rusu v. INS, 296 F.3d 316, 320-21 (4th Cir. 2002).

Accordingly, we dismiss in part and deny in part the petition for review. We deny Lewis's motion to reconsider the denial of his motion to remand. Finally, 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 DISMISSED IN PART;
DENIED IN PART