

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1051

RICARDO ERNESTO MANOSALVA-PENA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: November 19, 2008

Decided: December 4, 2008

Before TRAXLER and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Aroon Roy Padharia, Falls Church, Virginia, for Petitioner.
Gregory G. Katsas, Assistant Attorney General, Daniel E. Goldman, Senior Litigation Counsel, Andrew B. Insenga, 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Unpublished opinions are not binding precedent in this circuit.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:

Ricardo Ernesto Manosalva-Pena, a native and citizen of Peru, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's decision, which found him removable as an alien convicted of a crime of domestic violence and as an aggravated felon and ordered him removed to Peru.

Before this court, Manosalva-Pena contends that the Board erred in finding that he was convicted of an aggravated felony. Based on our review of the record, we agree that his third conviction under Virginia law for domestic assault and battery against a family member amounted to a "crime of violence" and was therefore an aggravated felony. See 8 U.S.C. § 1101(a)(43)(F) (2006); 18 U.S.C. § 16(a) (2006). The Board therefore properly upheld the charge of removability on this ground. See 8 U.S.C. § 1227(a)(2)(A)(iii) (2006); In re: Manosalva-Pena (B.I.A. Aug. 22, 2007). Additionally, we reject Manosalva-Pena's argument that he was improperly charged with removability as an aggravated felon under § 237(a)(2)(A)(iii) of the Immigration and Nationality Act.

Accordingly, we 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