

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1291

LALIT BAHADUR BASNET,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: December 30, 2009

Decided: February 2, 2010

Before KING, SHEDD, and DUNCAN, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Khagendra Gharti-Chhetry, CHHETRY & ASSOCIATES, P.C., New York, New York, for Petitioner. Tony West, Assistant Attorney General, Ernesto H. Molina, Jr., Assistant Director, Joanna L. Watson, 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Unpublished opinions are not binding precedent in this circuit.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:

Lalit Bahadur Basnet, a native and citizen of Nepal, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's decision denying his requests for adjustment of status and voluntary departure. Because the immigration judge denied relief in the exercise of her discretion, we find that we lack jurisdiction over the petition for review pursuant to 8 U.S.C. § 1252(a)(2)(B)(i) (2006).^{*} Accordingly, we dismiss 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 DISMISSED

^{*} We note that Basnet fails to raise a colorable constitutional claim or question of law that would fall within the exception set forth in 8 U.S.C. § 1252(a)(2)(D) (2006). Although he attempts to raise two due process claims, he cannot establish that he has a property or liberty interest at stake. See Dekoladenu v. Gonzales, 459 F.3d 500, 508 (4th Cir. 2006) (holding that no property or liberty interest can exist where the relief sought is discretionary).