

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-2299**

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OMAR M. RUIZ ACOSTA,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

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Submitted: June 15, 2010

Decided: July 2, 2010

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Before MOTZ, DUNCAN, and AGEE, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Arnedo S. Valera, LAW OFFICES OF VALERA & ASSOCIATES, Fairfax, Virginia, for Petitioner. Tony West, Assistant Attorney General, Ada E. Bosque, Senior Litigation Counsel, Matthew A. Spurlock, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Omar M. Ruiz Acosta, a native and citizen of El Salvador, seeks review of an order of the Board of Immigration Appeals affirming without opinion the Immigration Judge's (IJ) decision denying relief from removal. Acosta asserts that the IJ erred and violated his right to due process in preterminating his application for cancellation of removal. We have reviewed these claims and the administrative record and conclude that they are without merit. See 8 U.S.C. § 1229b(d)(1) (2006). Next, Acosta contends that the IJ erred in finding that Acosta abandoned the potential relief of voluntary departure. Our review discloses that Acosta failed to meet a specific deadline set by the IJ for identifying the relief sought. Accordingly, the IJ properly exercised his discretion in finding the application waived. See 8 C.F.R. § 1003.31(c) (2010).

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