

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-1178

ABEL MARTIN CRUZADO-GOICOCHEA,

Petitioner,

versus

U.S. IMMIGRATION & NATURALIZATION SERVICE,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A-37-173-530)

Submitted: November 9, 1999

Decided: November 19, 1999

Before MURNAGHAN, NIEMEYER, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Syed I. Hyder, Catherine A. Lowe, Richmond, Virginia, for Petitioner. Frank W. Hunger, Assistant Attorney General, David M. McConnell, Assistant Director, Quynh Vu, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Abel Martin Cruzado-Goicochea petitions for review of a final order of deportation issued by the Board of Immigration Appeals. Cruzado-Goicochea is a resident alien facing deportation for having been convicted of an aggravated felony involving a controlled substance under §§ 241(a)(2)(A)(iii) & (B)(i) of the Immigration and Nationality Act, codified at 8 U.S.C.A. § 1227(a)(2)(A)(iii) & (B)(i) (West 1999). Because Cruzado-Goicochea is an alien who was convicted of a deportable criminal offense, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, § 309(c)(4)(G), 110 Stat. 3009, divests this Court of subject matter jurisdiction over his case. See Hall v. INS, 167 F.3d 852, 854 (4th Cir. 1999); see also Morel v. INS, 144 F.3d 248, 251-52 (3d Cir. 1998).

Accordingly, we grant the Immigration and Naturalization Service's ("Service") motion to dismiss the petition for judicial review and deny the Service's motion to strike Cruzado-Goicochea's reply brief as moot. 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.

DISMISSED