

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-1293

MANUEL SAMPEDRO,

Petitioner,

versus

U.S. IMMIGRATION & NATURALIZATION SERVICE,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A30-723-748)

Submitted: June 16, 1998

Decided: August 28, 1998

Before MURNAGHAN, NIEMEYER, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Manuel Sampedro, Petitioner Pro Se. David Michael McConnell, Philemina McNeill Jones, Papu Sandhu, 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Unpublished opinions are not binding precedent in this circuit.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:

Manuel Sampedro petitions for review of an Immigration Judge's (IJ) June 1994 order directing Sampedro's deportation for reentering the United States after his initial deportation in July 1993.* Because Sampedro never appealed the IJ's order to the Board of Immigration Appeals, we find that we are without jurisdiction to consider his challenge to the order of deportation. See 8 U.S.C. § 1105a(a)(1) (1994); Farrokhi v. INS, 900 F.2d 697, 700-01 (4th Cir. 1990). We therefore grant the Immigration and Naturalization Service's motion to 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.

DISMISSED

* Initially styled as a petition for a writ of habeas corpus under 28 U.S.C.A. § 2241 (West 1998), the district court correctly construed the petition as a challenge to Sampedro's deportation ordered in 1994 and properly transferred the matter to this court pursuant to 28 U.S.C.A. § 1631 (West 1998).