

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

FAITHLYN ANN SIMPSON,

Petitioner,

v.

U.S. IMMIGRATION & NATURALIZATION
SERVICE; JOHN ASHCROFT, Attorney
General,

Respondents.

No. 00-1708

On Petition for Review of an Order
of the Board of Immigration Appeals.
(A72-395-413)

Submitted: July 20, 2001

Decided: January 14, 2002

Before WILKINS, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

COUNSEL

Aloy Ejimakor, Washington, D.C., for Petitioner. Stuart E. Schiffer, Acting Assistant Attorney General, Papu Sandhu, Senior Litigation Counsel, James A. Hunolt, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Faithlyn Ann Simpson, a native and citizen of Jamaica, petitions for review of an order of the Board of Immigration Appeals denying her motion to reopen. Simpson was convicted in the District of Columbia of attempted possession of cocaine, for which she received a one-year suspended sentence and one year of probation. She contends that the Board abused its discretion in denying the motion to reopen after she submitted evidence that her conviction has been expunged. Simpson insists that protections against deportation present in the Federal First Offenders Act extend to convictions expunged under state law, and that different treatment of those convicted under state law violates the equal protection component of the Due Process Clause. Simpson maintains that the expungement renders her eligible for relief in the form of suspension of deportation.

We are not persuaded by Simpson's contention that her expunged drug offense does not constitute a "conviction" under immigration law, and thus conclude that we lack jurisdiction over her petition for review. See *Herrera-Inirio v. INS*, 208 F.3d 299 (1st Cir. 2000); *Hall v. INS*, 167 F.3d 852, 854-56 (4th Cir. 1999); 8 U.S.C.A. § 1101(a)(48)(A), (B) (West 1999). Accordingly, the petition for review is dismissed. Having previously granted Simpson's motion to consider the case on the briefs, 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