

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6542**

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CELESTINO L. ORTA,

Petitioner - Appellant,

versus

U.S. IMMIGRATION & NATURALIZATION SERVICE,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-99-838-5-BR)

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Submitted: August 18, 2000

Decided: October 5, 2000

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Before WILKINS, WILLIAMS, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Celestino L. Orta, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Celestino Lagunas Orta seeks to appeal the district court's order summarily dismissing his petition for habeas corpus relief from an order of deportation. Having reviewed the record and the district court's order, we conclude that the district court acted correctly. Because the Immigration and Naturalization Service began proceedings against Orta before April 1997, the case is governed by the transitional provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, 110 Stat. 3009. See IIRIRA § 309(a), (c). Under the transitional provisions, the district court has jurisdiction to review questions of pure law in a habeas petition filed under 28 U.S.C. § 2241 (1994). Bowrin v. INS, 194 F.3d 483, 489-90 (4th Cir. 1999). Factual or discretionary issues such as those asserted here are not subject to review. Id. at 490.

Thus, the district court did not err in dismissing Orta's petition for habeas corpus relief, and we deny a certificate of appealability and dismiss the appeal. 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