

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-2126**

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SOKOL DODAJ, a/k/a Artur Koci,

Petitioner,

versus

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

Respondents.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A78-151-792)

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Submitted: March 20, 2002

Decided: April 19, 2002

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Before WIDENER, TRAXLER, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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John William O'Leary, JOHN O'LEARY & ASSOCIATES, Washington, D.C., for Petitioner. Robert D. McCallum, Jr., Assistant Attorney General, Richard M. Evans, Assistant Director, Carl H. McIntyre, Jr., Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondents.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Sokal Dodaj, a native and citizen of Albania, petitions for review of an order of the Board of Immigration Appeals (Board) denying relief from removal. The Board's determination that Dodaj is not eligible for asylum must be upheld unless that determination is "manifestly contrary to law." 8 U.S.C.A. § 1252(b)(4)(C) (West 1999).

We have reviewed the administrative record and find no error in the Board's conclusion that Dodaj failed to establish eligibility as a refugee in order to qualify for relief from removal. 8 U.S.C.A. § 1101(a)(42)(A) (West 1999); M.A. v. INS, 899 F.2d 304, 307 (4th Cir. 1990) (en banc). In addition, Dodaj's claim that gaps in the transcript require remand was not raised before the Board and has thus been waived. Gandarillas-Zambrana v. INS, 44 F.3d 1251, 1255 (4th Cir. 1995); Farrokhi v. INS, 900 F.2d 697, 700-01 (4th Cir. 1990).

We accordingly affirm the Board's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

AFFIRMED