

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-2077

SOSENA MENGESHA,

Petitioner,

versus

JOHN ASHCROFT, Attorney General of the United
States,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A75-33-9707)

Submitted: July 16, 2003

Decided: August 6, 2003

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Robert M. Price, LAW OFFICES OF ROBERT M. PRICE, P.C., Washington,
D.C., for Petitioner. Robert D. McCallum, Jr., Assistant Attorney
General, Emily Anne Radford, Assistant Director, Joshua E.
Braunstein, 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Unpublished opinions are not binding precedent in this circuit.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:

Sosena Mengesha, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals ("Board"). The order affirmed, without opinion, the immigration judge's order denying Mengesha's applications for asylum and withholding of removal.

On appeal, Mengesha's sole claim is that the Board erred in designating her case as appropriate for affirmance without opinion, after review by a single Board member, in accordance with the procedure set out in 8 C.F.R. § 1003.1(a)(7) (2003). This section allows a single Board member to enter an order affirming the result of the immigration judge's decision if the result reached is correct; any errors are harmless or nonmaterial; and either the issue on appeal is squarely controlled by Board or federal circuit court precedent and does not involve application of precedent to a novel fact situation, or the factual and legal questions raised are so insubstantial that three-member review is not warranted. 8 C.F.R. § 1003.1(a)(7)(ii). We reject Mengesha's challenges to the Board's use of the procedure in her case based on our finding that summary affirmance was appropriate in this case under the factors set forth in § 1003.1(a)(7)(ii).

Accordingly, we deny Mengesha's 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.

PETITION DENIED