

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-2227

HANNATU SHEHU,

Petitioner,

versus

JOHN ASHCROFT, United States Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A72-189-297)

Submitted: October 3, 2003

Decided: October 22, 2003

Before NIEMEYER and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Chidi A. Ogolo, OGOLO & ASSOCIATES, Washington, D.C.; Kele C. Onyejekwe, Washington, D.C., for Petitioner. Robert D. McCallum, Jr., Assistant Attorney General, Norah Ascoli Schwarz, Senior Litigation Counsel, John C. Cunningham, Senior Litigation Counsel, Office of Immigration Litigation, Civil Division, 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Unpublished opinions are not binding precedent in this circuit.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:

Hannatu Shehu, a native and citizen of Nigeria, petitions this court for review of an order of the Board of Immigration Appeals (Board) affirming the decision of the immigration judge (IJ), which found that Shehu's conditional status as a lawful permanent resident was properly terminated.

We conclude that the Attorney General has met his burden of establishing that the facts alleged in Shehu's petition to remove the conditions are not true and that the petition was properly denied. 8 U.S.C. § 1186a(c)(3)(D) (2000); 8 C.F.R. § 1216.4(d)(2) (2003). After reviewing the record, we hold that the IJ's finding of removability is supported by substantial evidence. See Mendes v. INS, 197 F.3d 6, 12-13 (1st Cir. 1999) (IJ's denial of petition to remove conditional status on grounds of fraudulent marriage is reviewed for substantial evidence).

We reject Shehu's argument that the Attorney General erred in allowing her to file a second Form-I-751 petition, as we conclude that the statute allows the Attorney General some flexibility in construing the applicable time limits. See Matter of Nwokoma, 20 I. & N. Dec. 899, 902 (BIA 1994). We lack jurisdiction to review the IJ's denial of a request for voluntary departure, as affirmed by the Board. 8 U.S.C. § 1229c(f) (2000).

Accordingly, we deny the petition for review. We grant the Attorney General's unopposed motion to strike a portion of the

reply brief. We dispense with oral argument because the facts and legal arguments are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED