

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1799

HELINA TESFAYE,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A79-478-397)

Submitted: December 24, 2003 Decided: February 10, 2004

Before NIEMEYER, MOTZ, and TRAXLER, Circuit Judges.

Petition dismissed in part, and denied in part by unpublished per curiam opinion.

Aragaw Mehari, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, David V. Bernal, Assistant Director, Elisabeth Layton, 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Unpublished opinions are not binding precedent in this circuit.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:

Helina Tesfaye, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals (Board) affirming without opinion the Immigration Judge's (IJ) denial of her applications for asylum and withholding of removal.

Tesfaye first challenges the IJ's finding that her asylum application is untimely. See 8 U.S.C. § 1158(a)(2)(B), (D) (2000); 8 C.F.R. § 1208.4(a)(4) (2003). We conclude that we lack jurisdiction to review this claim pursuant to 8 U.S.C. § 1158(a)(3) (2000). Tesfaye next disputes the IJ's finding that she failed to qualify for withholding of removal. We have reviewed the record and the IJ's decision, which was designated by the Board as the final agency determination, and find that she indeed failed to meet her burden of proof to establish her eligibility for this relief. See Rusu v. INS, 296 F.3d 316, 324 n.13 (4th Cir. 2002).

We accordingly dismiss in part and deny in part the 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 DISMISSED IN PART,
AND DENIED IN PART