

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-2096**

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ARTEM NAUMOVICH VINOKUR; YOULIA MOTORINA,

Petitioners,

versus

JOHN ASHCROFT, Attorney General of the United  
States,

Respondent.

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On Petition for Review of an Order of the Board of Immigration  
Appeals. (A78-585-380; A78-585-381)

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Submitted: May 26, 2004

Decided: June 17, 2004

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Before MICHAEL and SHEDD, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Elizaveta B. Krukova, Falls Church, Virginia, for Petitioners.  
Peter D. Keisler, Assistant Attorney General, Linda S. Wernery,  
Senior Litigation Counsel, Alicia D. Johnson, Office of Immigration  
Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE,  
Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Artem Naumovich Vinokur, a native and citizen of Russia, petitions for review of an order of the Board of Immigration Appeals (Board) affirming, without opinion, the immigration judge's order denying his applications for asylum and withholding of removal. Vinokur challenges the immigration judge's finding that his asylum application was untimely and that he failed to demonstrate a change in circumstances or extraordinary circumstances excusing the late filing. See 8 U.S.C. § 1158(a)(2)(B) (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). See Castellano-Chacon v. INS, 341 F.3d 533, 544 (6th Cir. 2003); Tarrawally v. Ashcroft, 338 F.3d 180, 185-86 (3d Cir. 2003); Tsevegmid v. Ashcroft, 336 F.3d 1231, 1235 (10th Cir. 2003); Fahim v. United States Attorney Gen., 278 F.3d 1216, 1217-18 (11th Cir. 2002); Hakeem v. INS, 273 F.3d 812, 815 (9th Cir. 2001); Ismailov v. Reno, 263 F.3d 851, 854-55 (8th Cir. 2001). Given this jurisdictional bar, we cannot review the underlying merits of Vinokur's asylum claim. Accordingly, we deny Vinokur'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