

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 03-2520

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GETACHEW TEKLU TEMESGEN,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A79-476-629)

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Submitted: July 28, 2004

Decided: August 18, 2004

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Before WIDENER, MOTZ, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Aragaw Mehari, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, Linda S. Wendtland, Assistant Director, Margaret M. Newell, Trial Attorney, 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Unpublished opinions are not binding precedent in this circuit.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:

Getachew Teklu Temesgen, a native and citizen of Ethiopia, petitions for review of an order of the Board of Immigration Appeals (Board). The order adopted and affirmed the immigration judge's ruling denying Temesgen's applications for asylum and withholding of removal.\* For the reasons discussed below, we deny the petition for review.

Temesgen challenges the Board's finding that his asylum application was untimely, with no showing of changed or extraordinary circumstances excusing the late filing. See 8 U.S.C. § 1158(a)(2)(B), (D) (2000); 8 C.F.R. § 1208.4(a)(4), (5) (2004). We lack jurisdiction to review this claim pursuant to 8 U.S.C. § 1158(a)(3) (2000). 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. U.S. Atty. 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).

Accordingly, we deny Temesgen'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

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\*Because Temesgen did not raise the issue of withholding of removal before the Board, the claim is waived. Farrokhi v. INS, 900 F.2d 697, 700 (4th Cir. 1990).