

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1027

MELISSA AYODELE OLYMPIO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: September 25, 2008 Decided: December 11, 2008

Before WILKINSON and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition dismissed by unpublished per curiam opinion.

Elizabeth L. Young, THE GEORGE WASHINGTON UNIVERSITY IMMIGRATION CLINIC, Washington, D.C., for Petitioner. Gregory G. Katsas, Acting Assistant Attorney General, Alison Marie Igoe, Senior Litigation Counsel, Ada E. Bosque, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Melissa Ayodele Olympio, a native and citizen of Togo, petitions for review of an order of the Board of Immigration Appeals dismissing her appeal from the immigration judge's denial of her requests for asylum, withholding of removal, and protection under the Convention Against Torture.

Olympio's sole claim on appeal is that the immigration judge erroneously applied the new provisions of the REAL ID Act in assessing her credibility. Because Olympio failed to raise this claim before the Board, we find that she has failed to exhaust her administrative remedies and we therefore lack jurisdiction over the petition for review. See 8 U.S.C. § 1252(d)(1) (2006) ("A court may review a final order of removal only if . . . the alien has exhausted all administrative remedies available to the alien as of right."); Asika v. Ashcroft, 362 F.3d 264, 267 n.3 (4th Cir. 2004) (holding that the court lacks jurisdiction to consider an argument that was not raised before the Board).

Accordingly, we dismiss 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