

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1786

RONNY RAMON SANCHEZ,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: January 28, 2009

Decided: February 19, 2009

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

Petition denied by unpublished per curiam opinion.

Aroon Roy Padharia, LAW OFFICE OF AROON R. PADHARIA, Falls Church, Virginia, for Petitioner. Gregory G. Katsas, Assistant Attorney General, Daniel E. Goldman, Senior Litigation Counsel, Jonathan Robbins, 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Unpublished opinions are not binding precedent in this circuit.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:

Ronny Ramon Sanchez, a native and citizen of Honduras, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's decision and affirming the finding that he is removable as an aggravated felon based on his state conviction for misdemeanor petit larceny.

Although Sanchez contends on appeal that the crime of petit larceny is a misdemeanor under Virginia law and therefore cannot be considered an aggravated felony, this argument is foreclosed by our decision in Wireko v. Reno, 211 F.3d 833, 834 (4th Cir. 2000) ("Under the plain language of [the statute defining aggravated felony], there is no requirement that the offense actually have been a felony, as that term is conventionally understood."); see also United States v. Graham, 169 F.3d 787, 790-93 (3rd Cir. 1999) (holding that an alien who had been convicted of misdemeanor petit larceny under New York law and sentenced to the maximum sentence of one year was removable as an aggravated felon as defined in 8 U.S.C. § 1101(a)(43)(G) (2006)).

Accordingly, we deny 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 DENIED