

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1296

LUANA SAAVEDRA,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: August 30, 2010

Decided: September 10, 2010

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

Petition denied by unpublished per curiam opinion.

Germaine Wright Sobral, MONTAGUT & SOBRAL, P.C., Falls Church, Virginia, for Petitioner. Tony West, Assistant Attorney General, Anthony P. Nicastro, Senior Litigation Counsel, Jeffery R. Leist, 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Unpublished opinions are not binding precedent in this circuit.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:

Luana Saavedra, a native and citizen of Peru, petitions for review of the order of the Board of Immigration Appeals ("Board") dismissing her appeal from the immigration judge's decision denying her application for adjustment of status. We deny the petition for review.

An alien's application for adjustment of status may be approved if the alien is eligible to receive an immigrant visa and an immigrant visa is immediately available. See 8 U.S.C. § 1255(i)(2) (2006). We conclude the Board properly found that Saavedra did not have an approved visa petition and was not eligible for adjustment of status. We have considered Saavedra's arguments to the contrary and conclude the arguments are without merit.

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