

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-2385

THOMAS PIETER,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A72-167-584)

Submitted: August 28, 2006

Decided: September 12, 2006

Before NIEMEYER, MICHAEL, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Arnedo S. Valera, LAW OFFICES OF VALERA & ASSOCIATES, Fairfax, Virginia, for Petitioner. Rod J. Rosenstein, United States Attorney, George L. Russell, III, Assistant United States Attorney, Baltimore, Maryland, for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Thomas Pieter, a native and citizen of Indonesia, petitions for review of an order of the Board of Immigration Appeals ("Board") adopting and affirming the immigration judge's decision denying his requests for asylum, withholding of removal, and protection under the Convention Against Torture.

Pieter devotes his entire petition for review to arguing his eligibility for asylum and claiming that the immigration judge and Board erred in denying his asylum application on the ground that he failed to demonstrate that he filed his application within one year of the date of his arrival in the United States. See 8 U.S.C. § 1158(a)(2)(B) (2000). We conclude that we lack jurisdiction to review this timeliness determination pursuant to 8 U.S.C. § 1158(a)(3) (2000), even in light of the passage of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231. See Chen v. United States Dep't of Justice, 434 F.3d 144, 150-54 (2d Cir. 2006) (collecting cases). Given this jurisdictional bar, which was dispositive of Pieter's application for asylum, we cannot review the underlying merits of his asylum claim.

Accordingly, we deny the petition for review.* We dispense with oral argument because the facts and legal contentions

*Pieter does not challenge the denial of his requests for withholding of removal or protection under the Convention Against Torture. He has therefore waived appellate review of these claims. See Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999).

are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED