

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1651

RODNEY SALOMON,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A72-040-919)

Submitted: October 31, 2006

Decided: November 29, 2006

Before WILKINSON, NIEMEYER, and DUNCAN, Circuit Judges.

Petition denied in part and dismissed in part by unpublished per curiam opinion.

Rodney Salomon, Petitioner Pro Se. Michele Yvette Francis Sarko, M. Jocelyn Lopez Wright, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Rodney Salomon, a native and citizen of Haiti, petitions for review of an order of the Board of Immigration Appeals (Board) affirming without opinion the Immigration Judge's denial of deferral of removal under the Convention Against Torture. Salomon first contends that the Board erred in denying his appeal without explicitly considering his challenge to the denial of deferral of removal. Construing this as a due process challenge, we find it to be without merit. See Blanco de Belbruno v. Ashcroft, 362 F.3d 272, 280-83 (4th Cir. 2004). Next, Salomon disputes the Immigration Judge's finding that he does not qualify for deferral of removal. Because Salomon is an aggravated felon, we conclude that we are without jurisdiction to review this claim. See 8 U.S.C.A. § 1252(a)(2)(C) (West 2005).

We accordingly deny in part and dismiss in part 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 IN PART
AND DISMISSED IN PART