

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1732

CHUAN ZHI YU,

Petitioner,

versus

MICHAEL B. MUKASEY, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A73-562-531)

Submitted: January 10, 2008

Decided: January 29, 2008

Before NIEMEYER, MOTZ, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Winston Wen-Hsiung Tsai, Bethesda, Maryland, for Petitioner.
Jeffrey S. Bucholtz, Acting Assistant Attorney General, Russell
J.E. Verby, Shelley R. Goad, Senior Litigation Counsel, 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Unpublished opinions are not binding precedent in this circuit.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:

Chuan Zhi Yu, a native and citizen of the People's Republic of China, petitions for review of a decision of the Board of Immigration Appeals ("Board") dismissing her appeal from the immigration judge's order preterminating her application for adjustment of status and ordering her removal from the United States. We deny her petition for review.

Yu entered the United States on a K-1 nonimmigrant fiancé visa. She did not marry the sponsor of that visa, and now seeks adjustment of status under 8 U.S.C. § 1255(i) (2000) based on an approved labor certification. Relying on its interpretation of 8 U.S.C. § 1255(d) (2000), and our decision in Markovski v. Gonzales, 486 F.3d 108 (4th Cir. 2007), the Board found Yu ineligible for adjustment of status on any basis other than marriage to the K-1 sponsor within ninety days of entry. We conclude that the Board correctly applied the cited authority. Therefore, we deny Yu's 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