

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1894

HUI FANG DONG,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: September 25, 2009

Decided: October 6, 2009

Before MICHAEL and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition dismissed in part and denied in part by unpublished per curiam opinion.

Bruno Joseph Bembi, Hempstead, New York, for Petitioner. Jeffrey S. Bucholtz, Acting Assistant Attorney General, M. Jocelyn Lopez Wright, Assistant Director, Andrew B. Insenga, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Hui Fang Dong, a native and citizen of China, seeks review of an order of the Board of Immigration Appeals (Board) affirming the Immigration Judge's (IJ) denial of relief from removal. Dong first challenges the denial of asylum. Because the Board found that Dong's asylum application was untimely and that no exceptions applied to excuse the untimeliness, we find that we are without jurisdiction to review this claim. See Gomis v. Holder, 571 F.3d 353, 358-59 (4th Cir. 2009). Accordingly, we dismiss the petition for review in part with respect to this claim.

We have reviewed Dong's remaining claims regarding the denial of withholding of removal and protection under the Convention Against Torture, and conclude that they are without merit. We therefore deny the petition for review with respect to these claims for the reasons stated by the Board. See In re: Dong (B.I.A. Aug. 16, 2007). Finally, we find no abuse of discretion in the Board's decision declining to reopen and remand this matter to the IJ.

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