

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1574

EDGAR JAVIER REYES-VARA,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: November 19, 2009

Decided: December 2, 2009

Before MICHAEL, MOTZ, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Edgar Javier Reyes-Vara, Petitioner Pro Se. Daniel Eric Goldman, Senior Litigation Counsel, Tyrone Sojourner, Matthew Allan Spurlock, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edgar Javier Reyes-Vara, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the Immigration Judge's decision, which found him removable as an alien convicted of a crime of violence that qualified as an aggravated felony and ordered him removed to Mexico.

Before this court, Reyes-Vara contends the Board erred in finding that he was convicted of an aggravated felony. Based on our review of the record, we agree that the 2007 conviction under Virginia law for assault and battery against a family member, third offense, amounted to a "crime of violence" and was therefore an aggravated felony. See 8 U.S.C. § 1101(a)(43)(F) (2006); 18 U.S.C. § 16(a) (2006). Thus, the Board properly upheld the charge of removability on this ground. See 8 U.S.C. § 1227(a)(2)(A)(iii) (2006); In re: Reyes-Vara (B.I.A. Apr. 29, 2009).

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