

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1940

CARLOS ENRIQUE GUOX PEREZ; JUANA LUCIA CHAJ SARAT,

Petitioners,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: May 20, 2010

Decided: June 8, 2010

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

Petition denied by unpublished per curiam opinion.

Aaron R. Caruso, ABOD & CARUSO, LLC, Rockville, Maryland, for Petitioners. Tony West, Assistant Attorney General, David M. McConnell, Deputy Director, Norah Ascoli Schwarz, 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Unpublished opinions are not binding precedent in this circuit.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:

Carlos Enrique Guox Perez ("Perez") and his wife, Juana Lucia Chaj Sarat (collectively "Petitioners"), natives and citizens of Guatemala, petition this court for review of an order of the Board of Immigration Appeals ("Board"), dismissing their appeal from the immigration judge's order denying their applications for special rule cancellation of removal under § 203 of the Nicaraguan Adjustment and Central American Relief Act ("NACARA"). See Pub. L. No. 105-100, 111 Stat. 2160, 2193-2201 (1997), amended by Pub. L. No. 105-139, 111 Stat. 2644, 2644-45 (1997) (codified as amended in scattered sections of 8 U.S.C.).

Petitioners assert the Board committed legal error by failing to review *de novo* the immigration judge's order. We disagree. Petitioners raised only one issue in their appeal to the Board, and we find that issue is most accurately characterized as an issue of fact. The Board reviews the immigration court's findings of fact for clear error. See 8 C.F.R. § 1003.1(d)(3)(i) (2010) ("The Board will not engage in *de novo* review of findings of fact determined by an immigration

judge."). We conclude the Board did not err in its adjudication of Petitioners' appeal.*

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

* To the extent that Petitioners' administrative appeal could have been construed to assert an issue of law, we note that, while the Board has the discretion to review legal issues de novo, it is not obligated to do so. See 8 C.F.R. § 1003.1(d)(3)(ii) (2010); see also Pinos-Gonzales v. Mukasey, 519 F.3d 436, 440 (8th Cir. 2008) (rejecting argument that the Board is required to review legal issues de novo).