

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1525

IURIE TARNA, a/k/a Jurie Tarna,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: November 14, 2013

Decided: November 18, 2013

Before WILKINSON, MOTZ, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

April Cockerham, ANA T. JACOBS & ASSOCIATES PC, Washington, D.C., for Petitioner. Stuart F. Delery, Assistant Attorney General, Anh-Thu P. Mai-Windle, Senior Litigation Counsel, James A. Hurley, 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Unpublished opinions are not binding precedent in this circuit.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:

Iurie Tarna, a native of Latvia and a citizen of Moldova, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing his appeal from the immigration judge's denial of his requests for asylum, withholding of removal, and protection under the Convention Against Torture.*

We have thoroughly reviewed the record, including the transcript of Tarna's merits hearing, his application for relief, and all supporting evidence. We conclude that the record evidence does not compel a ruling contrary to any of the administrative factual findings, see 8 U.S.C. § 1252(b)(4)(B) (2012), and that substantial evidence supports the Board's decision. See INS v. Elias-Zacarias, 502 U.S. 478, 481 (1992).

We further conclude that the Board properly declined to consider Tarna's pattern or practice claim. Cf. J.W. ex rel. J.E.W. v. Fresno Unified Sch. Dist., 626 F.3d 431, 440, 451 (9th Cir. 2010) (concluding that the ALJ properly refused to consider new issues that the student raised in his written closing argument and noting that the submission of new evidence in

* Tarna has failed to raise any challenges to the denial of his request for protection under the Convention Against Torture. He has therefore waived appellate review of this claim. See Ngarurih v. Ashcroft, 371 F.3d 182, 189 n.7 (4th Cir. 2004).

written closing arguments deprived school district of opportunity to submit documents or raise arguments in response). In light of Tarna's failure to properly raise his pattern or practice claim before the agency, we are similarly barred from considering the claim. See 8 U.S.C. § 1252(d)(1) (2012); Massis v. Mukasey, 549 F.3d 631, 638-39 (4th Cir. 2008).

Accordingly, we deny the petition for review for the reasons stated by the Board. See In re: Tarna (B.I.A. Mar. 22, 2013). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED