

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2117

AHMED-RACHID GBOLAGA PIO,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted: May 9, 2019

Decided: May 15, 2019

Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Ronald D. Richey, LAW OFFICE OF RONALD D. RICHEY, Rockville, Maryland, for Petitioner. Joseph H. Hunt, Assistant Attorney General, Andrew N. O'Malley, Senior Litigation Counsel, Matt A. Crapo, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ahmed-Rachid Gbolaga Pio, a native and citizen of Benin, petitions for review of the immigration judge’s order concurring with an asylum officer’s determination that Pio failed to establish a reasonable fear of persecution or torture in Benin. *See* 8 C.F.R. § 1208.31(g)(1) (2018).

Pursuant to 8 U.S.C. § 1252(a)(2)(C) (2012), we lack jurisdiction to review the final order of removal of an alien convicted of certain enumerated crimes, including an aggravated felony.* We retain jurisdiction only over constitutional claims or questions of law. 8 U.S.C. § 1252(a)(2)(D) (2012); *see Turkson v. Holder*, 667 F.3d 523, 526–27 (4th Cir. 2012); *Gomis v. Holder*, 571 F.3d 353, 358 (4th Cir. 2009) (“[A]bsent a colorable constitutional claim or question of law, our review of the issue is not authorized by § 1252(a)(2)(D).”).

Although we have jurisdiction under § 1252(a)(2)(D) to consider Pio’s claims that he was denied due process, *see Nardea v. Sessions*, 876 F.3d 675, 681 (4th Cir. 2017) (stating elements of due process claim in removal proceedings), these claims are without merit as Pio fails to show he was prejudiced by any alleged defects in the removal proceedings. We will find prejudice “only when the rights of an alien have been transgressed in such a way as is likely to impact the results of the proceedings.” *Id.* (internal quotation marks omitted).

* It is undisputed that Pio is removable as an aggravated felon.

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 this court and argument would not aid the decisional process.

PETITION DENIED