

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2027

VICTOR DE JESUS TINEO-JAMES,

Petitioner,

versus

JOHN D. ASHCROFT, United States Attorney
General,

Respondent.

No. 04-1185

VICTOR DE JESUS TINEO-JAMES,

Petitioner,

versus

JOHN D. ASHCROFT, United States Attorney
General,

Respondent.

On Petitions for Review of Orders of the Board of Immigration Appeals. (A30-143-433)

Submitted: August 30, 2004 Decided: September 30, 2004

Before WILKINSON, LUTTIG, and GREGORY, Circuit Judges.

Petitions denied by unpublished per curiam opinion.

Ronald D. Richey, RONALD D. RICHEY & ASSOCIATES, Rockville, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, David V. Bernal, Assistant Director, Ernesto H. Molina, Jr., Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In these consolidated petitions for review, Victor De Jesus Tineo-James, a native and citizen of the Dominican Republic, seeks review of two orders from the Board of Immigration Appeals ("Board"). Tineo-James was convicted in a Maryland state court of child abuse in violation of Md. Code Ann., Art. 27, § 35(C) (Michie 1999) (repealed 2002). The Board found Tineo-James was not entitled to relief from removability because he was convicted of an aggravated felony. Tineo-James filed with the Board a motion to reconsider, which was denied. Tineo-James filed with this Court petitions for review from both decisions.

Under 8 U.S.C. § 1252(a)(2)(C) (2000), appellate courts do not have jurisdiction to review the final order of removal of an alien who is removable for having committed certain criminal offenses, including an aggravated felony. Because the Board did not find Tineo-James was removable for having committed an aggravated felony, we have jurisdiction over the petitions for review. See Yousefi v. INS, 260 F.3d 318, 325 (2001); see also Hernandez-Barrera v. Ashcroft, 373 F.3d 9, 17-20 (1st Cir. 2004).

With respect to relief under 8 U.S.C. § 1229b(a) (2000) and 8 U.S.C. § 1182(h) (2000), we find the Board's conclusion that Tineo-James was convicted of an aggravated felony was supported by reasonable, substantial, probative evidence on the record and does

not compel a different result. See Garcia-Melendez v. Ashcroft, 351 F.3d 657, 661 (5th Cir. 2003).

We further find the Board did not abuse its discretion denying the motion for reconsideration. 8 C.F.R. § 1003.2(a) (2004); INS v. Doherty, 502 U.S. 314, 323-24 (1992); Yanez-Popp v. INS, 998 F.2d 231, 234 (4th Cir. 1993).

We deny the petitions 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.

PETITIONS DENIED