

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1410

MICHAEL ANTONIO GOMEZ,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: November 30, 2011

Decided: December 21, 2011

Before WILKINSON, NIEMEYER, and MOTZ, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

William J. Kovatch, Jr., Alexandria, Virginia, for Petitioner.
Tony West, Assistant Attorney General, William C. Peachey,
Assistant Director, Eric W. Marsteller, UNITED STATES DEPARTMENT
OF JUSTICE, Office of Immigration Litigation, Washington, D.C.,
for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Antonio Gomez, a native and citizen of Nicaragua, has petitioned for review of an order of the Board of Immigration Appeals dismissing Gomez's appeal of the Immigration Judge's order declining to continue his case and ordering him removed from the United States. The Attorney General has moved to dismiss the petition for review because Gomez has been convicted of a larceny offense that qualifies as an aggravated felony and two controlled substance offenses, which subject his appeal to the jurisdictional bar set forth in 8 U.S.C. § 1252(a)(2)(C) (2006). We retain jurisdiction, however, to address any constitutional claims or questions of law. See 8 U.S.C. § 1252(a)(2)(D) (2006).

We have considered Gomez's claims, including his contention that he should have been permitted to collaterally attack his convictions under Padilla v. Kentucky, __ U.S. __, 130 S. Ct. 1473 (2010), in immigration court, and find them to be without merit. See Waugh v. Holder, 642 F.3d 1279, 1283-84 (10th Cir. 2011); In re Madrigal, 21 I. & N. Dec. 323, 327 (BIA 1996).

Accordingly, we grant the Attorney General's motion to dismiss for lack of jurisdiction. We deny Gomez's motion to expedite as moot and 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 DISMISSED