

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1081

OSCAR ARMANDO UMANA-HERNANDES,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: July 23, 2013

Decided: August 23, 2013

Before NIEMEYER, KING, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Joshua A. Moses, JOSHUA MOSES & ASSOCIATES, Silver Spring, Maryland, for Petitioner. Stuart F. Delery, Acting Assistant Attorney General, Linda S. Wernery, Assistant Director, Gregory M. Kelch, 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Unpublished opinions are not binding precedent in this circuit.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:

Oscar Armando Umana-Hernandes, a native and citizen of El Salvador, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his application for temporary protected status ("TPS"). We have thoroughly reviewed the record and Umana-Hernandes' challenges to 8 C.F.R. § 1244.1 (2013) (defining felony for purposes of TPS eligibility) and find them without merit. Applying the two-step analysis prescribed by the Supreme Court in Chevron U.S.A., Inc. v. Natural Res. Def. Council, Inc., 467 U.S. 837 (1984), we conclude that the agency's promulgation of the regulation was based on a reasonable interpretation of 8 U.S.C. § 1254a(c)(2)(B)(i) (2006) and was not arbitrary, capricious, or manifestly contrary to the statute. See Chevron, 467 U.S. at 844 (providing that a regulation promulgated to fill a gap left, implicitly or explicitly, by Congress is "given controlling weight unless [it is] arbitrary, capricious, or manifestly contrary to the statute"); Suisa v. Holder, 609 F.3d 314, 319 (4th Cir. 2010) (same).

Accordingly, we deny the petition for review for the reasons stated by the Board. In re: Umana-Hernandes (B.I.A. Dec. 27, 2012). 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