

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1376

OSCAR RODRIGUEZ ENRIQUES,

Petitioner,

v.

JEFFERSON B. SESSIONS III,

Respondent.

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

Submitted: October 12, 2017

Decided: October 17, 2017

Before WILKINSON, KING, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington, Virginia, for Petitioner. Chad A. Readler, Acting Assistant Attorney General, Derek C. Julius, Assistant Director, Regina Byrd, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Oscar Rodriguez Enriques, a native and citizen of Mexico who illegally reentered the United States after he was deported in 1996, petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the immigration judge's decision finding that Enriques was convicted of a particularly serious crime and thus denying his application for withholding of removal.* We have reviewed the argument raised by Enriques on appeal, in conjunction with the record and the relevant legal authorities. We discern no legal error in the agency's conclusion that Enriques' prior New York conviction for criminal sale of a controlled substance qualified as a particularly serious crime, *see In re Y-L-*, 23 I. & N. Dec. 270, 274-76 (Op. Att'y Gen. 2002), which rendered him ineligible for withholding of removal under the Immigration and Nationality Act, *see* 8 U.S.C. § 1231(b)(3)(B)(ii) (2012). Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for review for the reasons stated by the Board. *See In re Rodriguez Enriques* (B.I.A. Feb. 22, 2017). 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

* Enriques does not challenge in his brief the agency's denial of his application for deferral of removal. Accordingly, we conclude that Enriques has waived appellate review of the disposition of that claim. *See Ngarurih v. Ashcroft*, 371 F.3d 182, 189 n.7 (4th Cir. 2004).