

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30436
Summary Calendar

BALFOUR SYLVESTER RILEY,

Petitioner-Appellant,

versus

JOHN ASHCROFT, ATTORNEY GENERAL;
KEVIN ROONEY; EDWARD J. MCELROY;
CHRISTINE G. DAVIS; IMMIGRATION
AND NATURALIZATION SERVICE;
U.S. DEPARTMENT OF JUSTICE,

Respondents-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 01-CV-1549

October 23, 2002

Before JONES, STEWART and DENNIS, Circuit Judges.

PER CURIAM:*

Balfour Sylvester Riley appeals the district court's denial of his 28 U.S.C. § 2241 petition. Riley argues that he was improperly denied the opportunity to seek discretionary relief from deportation in accordance with § 212(c) of the Immigration and Nationality Act. The record on

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

appeal belies this assertion. Riley also argues that the Board of Immigration Appeals (BIA) improperly interpreted § 212(c) of the Immigration and Nationality Act in determining that he was statutorily ineligible for relief. We review this issue de novo. See Hernandez-Rodriguez v. Pasquarell, 118 F.3d 1034, 1039 (5th Cir. 1997). Riley has shown no error in the BIA's determination that he was not a lawful permanent resident and was thus ineligible for relief. See Rivera v. INS, 810 F.2d 540, 541 (5th Cir. 1987). The judgment of the district court is AFFIRMED.