

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-4356
Summary Calendar

ANTHONY IFEDNYI ONYEJIKA,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of
the Board of Immigration Appeals
A 29 905 845

September 3, 1993

Before GARWOOD, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

Anthony Onyejiaka petitions for review of an order of the Board of Immigration Appeals ("BIA") dismissing his appeal from an order of deportation by an immigration judge ("IJ"). Finding no reversible error, we deny the petition for review and affirm the order of the BIA.

The IJ found Onyejiaka deportable for two reasons: (1) Although he was admitted into the United States, and authorized to

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

remain, as a non-immigrant student, he in fact was no longer a student, so he was deportable because of his failure to comply with a condition of his admission under section 241(a)(1)(C)(i) of the Immigration and Nationality Act of 1952, as amended (the "Act"), 8 U.S.C. § 1251(a)(1)(C)(i); and (2) Onyejiaka had been convicted of an aggravated felony, to wit, possession of cocaine, so he was deportable under section 241(a)(2)(A)(iii) of the Act, 8 U.S.C. § 1251(a)(2)(A)(iii). The BIA found Onyejiaka also deportable under section 241(a)(2)(B)(i) of the Act, 8 U.S.C. § 1251(a)(2)(B)(i), for a conviction involving a controlled substance.

Onyejiaka admitted at his hearing that he was no longer a student and offered no indication that he was in the United States on any lawful basis. He also admitted his felony conviction. Thus, his deportability is beyond question.

We need not decide whether the conviction for possession of cocaine was an aggravated felony, since the alternate ground)) termination of his student status)) is sufficient. Moreover, Onyejiaka is ineligible for suspension of deportation under section 244(a)(2) of the Act, 8 U.S.C. § 1254(a)(2), or adjustment of status under section 245(a)(2) of the Act, 8 U.S.C. § 1255(a)(2), as his 1991 conviction for a controlled substance violation renders him ineligible to receive an immigration visa, and he is inadmissible to the United States for permanent residence because he is an excludable alien under section 212(a)(2)(A)(i)(II) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(II),

as a result of his conviction for a controlled substance violation.

Onyejiaka asserts several alleged procedural violations occurring during the various administrative proceedings. None of these have merit. They are either non-existent, trivial, or, at most, harmless error. The fact is that Onyejiaka relinquished his right to remain in the United States through acts of his own and has been afforded ample opportunity to raise any ground upon which the BIA's decision might be challenged.

The petition for review is DENIED, and the decision of the BIA is AFFIRMED.