

Not for Publication in West's Federal Reporter

United States Court of Appeals
For the First Circuit

No. 08-2245

AMJAD ALI RANA,

Petitioner,

v.

ERIC H. HOLDER, JR.,* ATTORNEY GENERAL,

Respondent.

PETITION FOR REVIEW OF AN ORDER
OF THE BOARD OF IMMIGRATION APPEALS

Before

Lynch, Chief Judge,
Selya and Howard, Circuit Judges.

William E. Graves, Jr. and Graves & Doyle on brief for petitioner.

Surell Brady, Office of Immigration Litigation, U.S. Department of Justice, Terri J. Scadron, Assistant Director, Office of Immigration Litigation, and Michael F. Hertz, Acting Assistant Attorney General, Civil Division, on brief for respondent.

June 24, 2009

* Pursuant to Fed. R. App. P. 43(c)(2), Attorney General Eric H. Holder, Jr. has been substituted for former Attorney General Michael B. Mukasey as the respondent.

PER CURIAM. Petitioner Amjad Ali Rana, a native and citizen of Pakistan, petitions for review of a final order of removal from the Board of Immigration Appeals ("BIA"). His sole argument in his petition is that the BIA erred in finding him inadmissible under 8 U.S.C. § 1182(a)(9)(C)(i)(II), which renders inadmissible certain aliens who illegally reenter the United States after being ordered removed, because he reentered the United States prior to the statute's effective date. Rana did not present this argument to the BIA.

Exhaustion of administrative remedies is a prerequisite for judicial review of a final order of removal from the BIA. 8 U.S.C. § 1252(d)(1). Where, as here, the petitioner fails to present an argument to the BIA, he has not exhausted his administrative remedies, see, e.g., Mejia-Rodriguez v. Holder, 558 F.3d 46, 50 (1st Cir. 2009); Chhay v. Mukasey, 540 F.3d 1, 5 (1st Cir. 2008); Sunoto v. Gonzales, 504 F.3d 56, 59 (1st Cir. 2007); Un v. Gonzales, 415 F.3d 205, 210-11 (1st Cir. 2005), and we lack jurisdiction to decide the issue.

The petition for review is dismissed.