

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 03-1855  
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ERNESTO QUINTIERI,

Petitioner

v.

JOHN ASHCROFT, ATTORNEY GENERAL  
OF THE UNITED STATES,

Respondent

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On Petition for Review of an Order of the  
Board of Immigration Appeals  
(No. A43-128-058)  
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ARGUED: JUNE 21, 2004

Before: NYGAARD, McKEE, and CHERTOFF, Circuit Judges.

(Filed: July 7, 2004)

David E. Oltarsh, Esq. (Argued)  
Oltarsh & Associates  
1375 Broadway, Suite 2102  
New York, NY 10018  
Counsel for Petitioner

Emily A. Radford, Esq.  
Papu Sandhu, Esq.  
Lyle D. Jentzer, Esq.  
Aviva L. Poczter, Esq. (Argued)  
United States Department of Justice  
Office of Immigration Litigation  
Ben Franklin Station  
P.O. Box 878  
Washington, DC 20044  
Counsel for Respondent

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OPINION OF THE COURT  
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NYGAARD, Circuit Judge.

We will affirm based on *Drakes v. Zimski*, 240 F.3d 246 (3d Cir. 2001).

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