

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

May 23, 2008

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No. 06-60214  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

A H M ZUBAIR

Petitioner

v.

MICHAEL B MUKASEY, U S ATTORNEY GENERAL

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A78 883 318

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Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

A. H. M. Zubair petitions this court for review of the decision of the Board of Immigration Appeals (BIA) denying him asylum, withholding of removal, and relief under the Convention Against Torture (CAT). We do not have jurisdiction to review the discretionary determination of the Immigration Judge (IJ) and the BIA that Zubair's asylum application was untimely. See 8 U.S.C. § 1158(a)(3). The petition for review is thus dismissed as to the claims concerning asylum.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Additionally, Zubair, who is represented by counsel, does not challenge the IJ's and BIA's conclusion that he is not eligible for withholding of removal or relief under CAT. Thus, these issues are deemed abandoned. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Calderon-Ontiveros v. INS*, 809 F.2d 1050, 1052 (5th Cir. 1986).

Accordingly, Zubair's petition for review is DISMISSED IN PART and DENIED IN PART. Zubair's motion to stay removal is DENIED.