

January 5, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-60255
Summary Calendar

ARACELY ZAMORA-GARCIA,

Petitioner,

versus

ALBERTO R. GONZALES, U. S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A37 005 740

Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Aracely Zamora-Garcia, a citizen of Mexico, has filed a petition seeking review of the Board of Immigration Appeals ("BIA") decision dismissing her appeal of the immigration judge's ("IJ") decision to deny her application for cancellation of removal as untimely. Because Zamora-Garcia's petition for initial hearing en banc does not meet the requirements set forth in FED. R. APP. P. 35(b), that petition is DENIED. Respondent's motion for summary disposition and Zamora-Garcia's motion to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

strike respondent's motion are DENIED. Further briefing, however, is not necessary.

Zamora-Garcia argues that the BIA and IJ had a duty to protect her from the alleged ineffectiveness of her accredited representative ("AR"). We are unaware of and Zamora-Garcia does not cite any authority which supports or forms a basis for her argument. Zamora-Garcia also argues that the BIA erred by rejecting her ineffective-assistance claim. Because Zamora-Garcia's claim did not implicate the violation of a due process right, the BIA did not err in denying her claim for lack of prejudice. See Mireles-Valdez v. Ashcroft, 349 F.3d 213, 214-15 (5th Cir. 2003). Accordingly, Zamora-Garcia's petition for review is denied.

PETITION FOR REVIEW DENIED; PETITION FOR INITIAL HEARING EN BANC, MOTION FOR SUMMARY DISPOSITION, AND MOTION TO STRIKE MOTION FOR SUMMARY DISPOSITION DENIED.