

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 23, 2009

Charles R. Fulbruge III
Clerk

No. 08-60612
Summary Calendar

MARCO ORNELAS, also known as Marco Antonio Ornelas Casteneda, also known as Marco Antonio Ornelas

Petitioner

v.

ERIC H HOLDER, JR, U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A78 990 160

Before HIGGINBOTHAM, BARKSDALE, and HAYNES, Circuit Judges.

PER CURIAM:*

Having conceded that he is removable, Marco Antonio Ornelas, a native and citizen of Mexico, has, *pro se*, filed a petition for review of the Board of Immigration Appeals' (BIA) affirmance of an Immigration Judge's determination that Ornelas is ineligible for cancellation of removal under 8 U.S.C. § 1229b(b)(1)(C). Ornelas has waived any challenge to this determination by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

failing to address it in his brief. *E.g.*, *Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003). We lack jurisdiction to consider Ornelas' contention that he is a battered spouse, eligible for relief from removal under 8 U.S.C. § 1229b(b)(2), because he failed to exhaust his administrative remedies by raising this issue before the BIA. *Wang v. Ashcroft*, 260 F.3d 448, 452-53 (5th Cir. 2001); *see* 8 U.S.C. § 1252(d)(1).

Accordingly, the petition for review is DENIED.