

November 17, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-61096  
Summary Calendar

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LYDIA SORIANO KANNO,

Petitioner,

versus

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

Respondent.

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Appeal from the Board of Immigration Appeals  
(A-78-317-711)  
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Before JONES, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Petitioner, Lydia Soriano Kanno, petitions this court to review the August 3, 2004 order entered by the Board of Immigration Appeals (BIA) that affirmed the immigration judge's determination that Kanno is subject to removal from the United States and denied her request for additional delay to pursue applications for adjustments of status and withholding of removal. A petition for judicial review to delay a decision of the BIA must be filed not later than thirty days after the date

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of the final order of removal. In the instant case, Kanno did not file a petition for review by this court of the order the BIA entered on August 3, 2004. Consequently this court has no jurisdiction to review the decision of the BIA reflected in the August 3, 2004 order.

On September 3, 2004, Kanno filed a motion with the BIA seeking reconsideration by the BIA of its order of August 3, 2004. Finding the request for reopening untimely, the BIA denied the September 3 motion on November 24, 2004. On December 7, 2004, Kanno filed a petition for review in this court of the BIA's order of November 24, 2004. Her petition for review by this court is timely only as to the BIA's order of November 24, 2004.

We have carefully reviewed the briefs and the specific orders of the BIA and dismiss our review of the August 3, 2004 BIA order for lack of jurisdiction. As to the November 24, 2004 order of the BIA, we find that the BIA did not abuse its discretion in such order and accordingly, we affirm the November 24, 2004 order.

DISMISSED IN PART AND AFFIRMED IN PART.