

September 1, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-60684  
Summary Calendar

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ALEMSEGHED GHIRMAI SHIFERAW,

Petitioner,

versus

JOHN ASHCROFT, U. S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
(BIA No. A76 942 538)  
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Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

Petitioner Alemseghed Ghirmai Shiferaw seeks review of the July 24, 2003, decision rendered by the Board of Immigration Appeals ("BIA"). The BIA denied Shiferaw's motion for reconsideration of its decision denying his earlier motion to reopen his removal proceedings. He asserts that the immigration judge ("IJ") erred in denying his application for asylum, withholding of deportation, and protection under the Convention Against Torture. He also contends that the BIA erred in affirming the IJ's decision without opinion and in denying his motion to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

reopen. As Shiferaw did not file a petition for review within 30 days of the BIA's orders affirming the IJ's decision and denying his motion to reopen, we do not have jurisdiction to review those orders. See Karimian-Kaklaki v. I.N.S., 997 F.2d 108, 111 (5th Cir. 1993).

As Shiferaw filed a petition for review within 30 days of the BIA's July 24, 2003, order denying his motion for reconsideration, however, we have jurisdiction to review that order. See id. The record supports the BIA's determination that Shiferaw, in his reconsideration motion, failed to point to any legal or factual error by the BIA in denying his motion to reopen. As a result, Shiferaw has not shown that the BIA abused its discretion in denying his reconsideration motion on the grounds that he had failed to make such a showing. See 8 C.F.R. § 1003.2(b)(2). Accordingly, Shiferaw's petition for review is DENIED.