

January 20, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-60278
Summary Calendar

FIDEL MARTINEZ-MEJIA,

Petitioner,

versus

JOHN ASHCROFT, U. S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A28-890-217

Before REAVLEY, JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Fidel Martinez-Mejia ("Martinez") petitions this court for review of the Board of Immigration Appeals's ("BIA") October 8, 2003, decision denying his motion for reconsideration of the BIA's July 18, 2003, affirmance of his appeal from the Immigration Judge's ("IJ") denial of his motion to reopen removal proceedings held in absentia. Martinez filed his petition for review within 30 days of the BIA's final order denying his motion to reconsider. However, Martinez did not file a petition for review relative to the BIA's July 18, 2003, affirmance.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Therefore, this court has no jurisdiction to review that decision. See 8 U.S.C. § 1252(a)(1), (b)(1) (2000); Stone v. INS, 514 U.S. 386, 390-406 (1995); Zhang v. INS, 348 F.3d 289, 291-92 (1st Cir. 2003).

Martinez's brief is devoted to challenging aspects of pre-October 8, 2003, decisions, including the IJ's decision that Martinez was served with an order to show cause and that he is not eligible to seek cancellation of removal. However, the brief fails to present any arguments with regard to the BIA's denial of his motion to reconsider. Thus Martinez has in effect abandoned his appeal of the BIA's October 8, 2003, decision denying his motion to reconsider, by failing to brief it. See Al-Ra'id v. Ingle, 69 F.3d 28, 33 (5th Cir. 1995).

Accordingly, we have no jurisdiction over an appeal from the BIA's July 18, 2003, decision, and we AFFIRM the October 8, 2003, denial of his motion to reconsider.

AFFIRMED.