

June 22, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-60483
Summary Calendar

EUI SOO JUNG,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of
the Board of Immigration Appeals
No. A78 918 208

Before SMITH, GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Eui Soo Jung has filed a petition for review of an order of the Board of Immigration Appeals ("BIA") summarily dismissing his appeal as barred by his waiver of appeal before the immigration judge ("IJ"). Because it is plain on the record that Jung waived his right to appeal, the BIA was authorized to dismiss his appeal summarily without further briefing. 8 C.F.R. § 1003.1(d)(2)(i)(G),

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(e) (3). The BIA's finding that Jung made no argument in his notice of appeal challenging that waiver is conclusive, because no reasonable adjudicator would be compelled to conclude to the contrary. See id. 8 U.S.C. § 1252(b) (4) (B).

Because Jung did not raise, before the BIA, a challenge to the validity of his appeal waiver, he failed to exhaust his administrative remedies. Accordingly, this court is precluded from reviewing his argument that the appeal waiver was not made knowingly and intelligently. See § 1252(d) (1). Similarly, we will not address Jung's argument, not raised before the BIA, that he was denied due process before the IJ because he did not have representation by counsel.

The petition for review is DENIED. Jung's motion for stay of removal pending resolution of the petition for review is DENIED.