

September 22, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-60645  
Summary Calendar

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MARIA LUISA OLVERA,

Petitioner,

versus

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

Respondent.

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Petition for Review of an Order of  
the Board of Immigration Appeals  
BIA No. A70 793 313

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Before GARWOOD, CLEMENT and PRADO, Circuit Judges.

PER CURIAM:\*

Maria Luisa Olvera petitions for review of the June 10, 2005 order of the Board of Immigration Appeals (BIA) denying her motion to reopen and reconsider.\*\*

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 R. 47.5 the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

\*\* Petitioner, a native and citizen of Mexico, was charged with being removable because inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i). Before the Immigration Judge (IJ) she conceded removability and sought cancellation of removal under INA §

The BIA determined that the evidence cited in Olvera's motion to reopen could have been obtained prior to the hearing on her application for cancellation of removal. The BIA also found that Olvera's request for reconsideration was untimely.

In her petition for review, Olvera challenges the basis for the denial of her application for cancellation of removal but does not address the BIA's denial of her motion to reopen and reconsider. Olvera has abandoned her challenge to the denial of her motion to reopen and reconsider by failing to brief the relevant issues. See Soadjede v. Ashcroft, 324 F.3d 830, 833 (5th Cir. 2003).

The petition for review is

DENIED.

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240A(b)(1) on the basis of hardship to her United States citizen children. The IJ denied cancellation of removal finding that the requisite hardship had not been shown. Petitioner appealed, contending that she had shown the requisite hardship. The BIA on February 10, 2005, adopted and affirmed the IJ's decision. On March 10, 2005, petitioner timely filed a petition for review in this court (*Maria Louisa Olvera v. Gonzales*, #05-60187) challenging the BIA's February 10, 2005 decision; the respondent filed a motion to dismiss the petition for review for lack of jurisdiction on the basis that, under 8 U.S.C. § 1252(a)(2)(B)(i) & (ii), the BIA's decision was an unreviewable discretionary determination; and on May 9, 2005, a panel of this court granted that motion of respondent and dismissed the petition for review. On May 10, 2005, petitioner filed with the BIA a motion to reopen and to reconsider its February 10, 2005 decision. On June 10, 2005, the BIA denied the motion to reopen and to reconsider. On July 8, 2005, petitioner filed the instant petition for review purportedly directed to the June 10, 2005 BIA decision. Petitioner has been represented by counsel throughout.