

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 21, 2008

Charles R. Fulbruge III
Clerk

No. 05-60783
Summary Calendar

LUCIA LOPEZ DE RUIZ

Petitioner

v.

MICHAEL B MUKASEY, U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A90 744 688

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Lucia Lopez de Ruiz (Ruiz) seeks review of an order of the Board of Immigration Appeals (BIA) rejecting her claim for relief under former § 212(c) of the Immigration and Nationality Act. The BIA concluded that Ruiz's prior conviction for fraud did not have a statutory counterpart in § 212(a), relying on 8 C.F.R. § 1212.3(f)(5), and *In re Blake*, 23 I. & N. Dec. 722 (BIA 2005), petition for review granted & remanded, *Blake v. Carbone*, 489 F.3d 88, 91 (2d Cir. 2007).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Ruiz argues that Blake and its interpretation of § 1212.3(f)(5) is incompatible with *INS v. St. Cyr*, 533 U.S. 289 (2001); violates the constitutional doctrines of equal protection, due process, and separation of powers; is inconsistent with statutory language and Supreme Court precedent; and is inconsistent with the BIA's prior practice. She further challenges the determination that fraud is not a crime involving moral turpitude for purposes of § 212(c) relief.

In light of our decisions in *Vo v. Gonzales*, 482 F.3d 363 (5th Cir. 2007), and *Avilez-Granados v. Gonzales*, 481 F.3d 869, 871-72 (5th Cir. 2007), we reject Ruiz's claims. The petition for review is DENIED.