

June 28, 2006

Charles R. Fulbruge III  
Clerk

In the United States Court of Appeals  
for the Fifth Circuit

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No. 05-60812  
Summary Calendar

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PABLO ROBERTO ORTEGA,

Petitioner,

v.

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. A29 867 825  
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Before JOLLY, DAVIS, and OWEN, Circuit Judges.

PER CURIAM:\*

Pablo Roberto Ortega petitions for review of a decision by the Board of Immigration Appeals (BIA) denying Ortega's motion to reopen his removal proceedings. He argues that the BIA should have reopened his removal proceedings in order to allow him to pursue relief under § 212(c) and (h) of the Immigration and Nationality Act (INA).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This court lacks jurisdiction to consider Ortega's argument that the BIA should have reopened his case pursuant to the BIA's sua sponte authority. See Enriquez-Alvarado v. Ashcroft, 371 F.3d 246, 250 (5th Cir. 2004). Ortega's contention that this court has the authority to examine sua sponte whether relief under INA § 212(c) and (h) is available to Ortega lacks merit. Moreover, Ortega has failed to brief any other cognizable issues regarding the BIA's decision. See Soadjede v. Ashcroft, 324 F.3d 830, 833 (5th Cir. 2003). Accordingly, Ortega's petition for review of the BIA's decision is DISMISSED AS FRIVOLOUS. See 5TH CIR. R. 42.2.