

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 15, 2008

Charles R. Fulbruge III  
Clerk

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No. 08-60367  
Summary Calendar

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MARTIN EDGAR CABELLO-CHAVEZ

Petitioner

v.

MICHAEL B MUKASEY, U S ATTORNEY GENERAL

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A91 413 723

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Before WIENER, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Petitioner Martin Edgar Cabello-Chavez, a native and citizen of Mexico, petitions for review of the decision of the Board of Immigration Appeal (BIA) denying his motion for reconsideration as untimely. Cabello-Chavez's pro se brief fails entirely to address the BIA's finding that his motion to reconsider was untimely and instead challenges the BIA's previous order denying his appeal from the Immigration Judge's determination that he was a removable alien and that he was ineligible for relief from removal. Because Cabello-Chavez fails to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

address the basis of the BIA's denial of his motion to reconsider, he has abandoned any argument that challenges that decision. See *Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).

Moreover, we do not have jurisdiction to consider Cabello-Chavez's arguments challenging the BIA's order denying his appeal. The BIA's denial of an appeal and its denial of a motion to reconsider are two separate final orders, each of which requires its own petition for review. *Stone v. I.N.S.*, 514 U.S. 386, 394 (1995). A timely petition for review is a jurisdictional requirement in the absence of which this court lacks jurisdiction to review the decision of the BIA. 8 U.S.C. § 1252(a)(1), (b)(1); *Karimian-Kaklaki v. I.N.S.*, 997 F.2d 108, 111 (5th Cir. 1993). As Cabello-Chavez did not file a petition for review from the BIA's order denying his appeal, his petition for review is DENIED.