

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 17, 2009

Charles R. Fulbruge III
Clerk

No. 08-60936
Summary Calendar

WILMER MOISES FUENTES,

Petitioner,

v.

ERIC H. HOLDER, JR., U.S. Attorney General,

Respondent.

Petition for Review of an Order of
the Board of Immigration Appeals
No. A99 574 901

Before SMITH, STEWART, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Wilmer Fuentes petitions for review of an order of the Board of Immigration Appeals (“BIA”) affirming a decision of the immigration judge (“IJ”) to deem

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his application for withholding of removal abandoned because it was not timely filed. Fuentes argues that the IJ infringed his due process rights by not permitting him to make statements concerning whether his fingerprint and biometric information had been obtained and that the IJ inaccurately reported that he had not filed a motion for a continuance. Fuentes also contends that the BIA erred by adopting the IJ's decision without considering his due process argument.

Fuentes's arguments lack merit. Our review of the record shows that the IJ was apprised of the pertinent information and permitted Fuentes to present his case. Further, the IJ's decision was in accord with the applicable regulation. *See* 8 C.F.R. § 1003.31(c). Fuentes has shown no error in connection with the BIA's decision to adopt the IJ's opinion as its own, nor has he shown that the BIA acted improperly by failing to address any claims raised in the appellate brief he filed in his administrative proceedings. The petition for review is DENIED.