

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

United States Court of Appeals
Fifth Circuit

FILED

August 14, 2009

Charles R. Fulbruge III
Clerk

No. 08-61005
Summary Calendar

NASSER MOHAMMEDALI KOTADIYA

Petitioner

v.

ERIC H HOLDER, JR, U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A98 041 289

Before HIGGINBOTHAM, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Nasser Mohammedali Kotadiya, a native and citizen of India, petitions this court to review the decision of the Board of Immigration Appeals (“BIA”) denying his motion to reconsider the dismissal of an appeal from an Immigration Judge’s order denying a motion to suppress and finding Kotadiya removable. Kotadiya argues that his attorney was ineffective for arguing only the suppression issue and failing to request withholding of removal or relief under the Convention Against Torture.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Kotadiya did not raise his claim of ineffective counsel before the BIA. Therefore the issue is unexhausted, and this court lacks jurisdiction to consider it. *See* 8 U.S.C. § 1252(d)(1); *Omari v. Holder*, 562 F.3d 314, 317-19 (5th Cir. 2009); *Wang v. Ashcroft*, 260 F.3d 448, 452-53 (5th Cir. 2001). In addition, Kotadiya has abandoned any argument concerning his suppression claim by failing to brief the issue. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).

Accordingly, the petition for review is DISMISSED.