

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

United States Court of Appeals
Fifth Circuit

FILED

August 10, 2011

Lyle W. Cayce
Clerk

No. 10-60796
Summary Calendar

ANDRES MILLAN DIAZ,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A091 602 696

Before REAVLEY, SMITH, and PRADO, Circuit Judges.

PER CURIAM:*

Andres Diaz petitions for review of an order of the Board of Immigration Appeals (“BIA”) denying a motion to reopen his removal proceedings. To the ex-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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tent that Millan raises arguments concerning the merits of his appeal to the BIA, we lack jurisdiction, because the petition for review is timely only as to the denial of the motion to reopen. 8 U.S.C. § 1252(b)(1); *Stone v. INS*, 514 U.S. 386, 395 (1995). Because Millan does not contest the denial of the motion on the ground that it failed to identify previously unavailable material evidence, he has abandoned any such claim before this court. See *INS v. Abudu*, 485 U.S. 94, 104-05 (1988); see also *Calderon-Ontiveros v. INS*, 809 F.2d 1050, 1052 (5th Cir. 1986).

Accordingly, the petition for review is DENIED in part and DISMISSED in part.