

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

United States Court of Appeals
Fifth Circuit

FILED

February 13, 2014

Lyle W. Cayce
Clerk

No. 12-60970
Summary Calendar

FLORA LOPEZ,

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. A077 751 853

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Flora Lopez petitions this court for review of an order of the Board of Immigration Appeals (BIA) upholding the decision of an immigration judge (IJ) to deny her motion to reopen her immigration proceedings. Lopez, who is proceeding pro se, argues that that the IJ and BIA failed to consider whether she was eligible for discretionary relief based on two memorandums issued by the Director of Immigration and Customs Enforcement regarding the exercise

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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of prosecutorial discretion. However, when she was before the IJ and the BIA, Lopez did not raise this issue. Accordingly, she failed to exhaust it, and we lack jurisdiction to address it. *See Omari v. Holder*, 562 F.3d 314, 318-19 (5th Cir. 2009). Lopez does not challenge the BIA's reasons for denying relief, namely, that she failed to meet her burden to show that she did not receive notice of the immigration hearing and failed to establish that she acted diligently with regard to her immigration proceedings. Consequently, she has abandoned any challenge to the BIA's ruling. *See Calderon-Ontiveros v. INS*, 809 F.2d 1050, 1052 (5th Cir. 1986).

The petition for review is DISMISSED.