

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

United States Court of Appeals  
Fifth Circuit

**FILED**

January 4, 2018

Lyle W. Cayce  
Clerk

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No. 16-60697  
Summary Calendar

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DANIEL MORENO PALACIOS, also known as Javier Hernandez Dela Cruz,

Petitioner

v.

JEFFERSON B. SESSIONS, III, U. S. ATTORNEY GENERAL,

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A205 909 023

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Before REAVLEY, PRADO, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Daniel Moreno Palacios, a native and citizen of Mexico, challenges the validity of a 2013 removal order in this petition for review. Palacios failed to contest the 2013 order earlier in the proceedings. He did not respond to the Notice of Intent to Issue a Final Administrative Removal Order or otherwise attempt to rebut the charge that he was removable based on his prior conviction for an aggravated felony, nor did he challenge the 2013 order by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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filing a petition for review. *See* 8 C.F.R. § 238.1(c), 8 U.S.C. § 1252(a)(5). He also reentered the United States illegally in violation of his deportation order.

This court lacks jurisdiction to consider the constitutional challenge to the underlying removal order. *See Martinez v. Johnson*, 740 F.3d 1040, 1042-43 (5th Cir. 2014). Palacios's petition for review is DISMISSED for lack of jurisdiction.