

# United States Court of Appeals for the Fifth Circuit

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No. 22-60532  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

May 2, 2023

Lyle W. Cayce  
Clerk

ELOISA HERRERA-TORRES,

*Petitioner,*

*versus*

MERRICK GARLAND, *U.S. Attorney General,*

*Respondent.*

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Petition for Review of an Order of  
the Board of Immigration Appeals  
Agency No. A075 786 650

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Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

Eloisa Herrera-Torres, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (“BIA”) denying her motion to reconsider its dismissal of her appeal of a decision of an immigration judge that she was ineligible for cancellation of removal and ordering her removed.

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Herrera-Torres presents no contention concerning the reasons given by the BIA in its denial of her motion but instead raises a new argument challenging the conclusion that her 2013 conviction disqualified her from cancellation of removal. Insofar as she challenges the denial of her motion to reconsider, Herrera-Torres has not shown that that ruling represents an abuse of the BIA's discretion. *See Gonzalez Hernandez v. Garland*, 9 F.4th 278, 283 (5th Cir. 2021), *cert. denied*, 143 S. Ct. 86 (2022). Insofar as she presents a new argument for our consideration, we lack jurisdiction over it because it was not first presented to the BIA. *See Martinez-Guevara v. Garland*, 27 F.4th 353, 359–60 (5th Cir. 2022); 8 U.S.C. § 1252(d)(1).

The petition for review is DENIED in part and DISMISSED in part.