IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-4982
Summary Calendar

MANUEL SANCHEZ-VALENCIA,

Petitioner,

v.

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
(A70 050 107)

April 5, 1993

Before GARWOOD, JONES, and EMILIO GARZA, Circuit Judges.[*]

PER CURIAM:

Manuel Sanchez-Valencia, petitioner, appeals from a final deportation order of the Board of Immigration Appeals. A permanent resident alien since 1989, Sanchez was ordered deported because he has been convicted and is serving a sentence for possession with intent to distribute and distributing heroin. There is no merit in his issues on appeal, and we affirm.

---

[*]Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Sanchez does not contest the Board's finding of deportability based on his drug trafficking. 8 U.S.C. § 1251(a)(11); 8 U.S.C. § 1251(a)(2)(A)(iii). His brief instead appears to raise the contentions that he was eligible for relief under 8 U.S.C. § 1182(c) based on having lived in the U.S. since 1976 and that he could not obtain adequate legal assistance while in detention at FCI Big Spring, Texas. Sanchez did not raise either of these issues during his deportation proceedings before the Board. Our court has consistently held that an alien may not "argue officially noticed facts for the first time in this forum . . . for we cannot weigh evidence that has not been brought previously before the Board." Rivera-Cruz v. INS, 948 F.2d 962, 967 (5th Cir. 1991); Yachkpua v. INS, 770 F.2d 1317, 1320 (5th Cir. 1985); Carnejo-Molina v. INS, 649 F.2d 1145, 1150 (5th Cir. 1981).

In any event, it would not have mattered if Sanchez had been able to raise these issues before our court. He would not have gained relief or a remand to the BIA on either of them. Sanchez could not, for instance, take advantage of 8 U.S.C. § 1182(c) and seek continued residence in the United States based on its mechanism because he has not been "lawfully admitted" for seven consecutive years. In Brown v. INS, 856 F.2d 728, 730-31 (5th Cir. 1988); this court held that an alien could not lawfully possess an intent to be domiciled in the United States while here on a student visa, and, as a result, that period could not be utilized to meet the seven years required by the statute. The logic of Brown and the cases on which it relies apply fully here. Sanchez knew he was

residing in the United States without lawful authority from 1976-89 when he first obtained a Green Card under the Immigration Reform and Control Act. He has not been able to establish the necessary seven years' residence since 1989.

Further, Sanchez' contention that he did not have adequate legal assistance or materials while detained at FCI Big Springs is meritless. He has no constitutional right to counsel during deportation proceedings, and in any event, the immigration judge afforded him an opportunity and a list of potential lawyers. There is no factual support in the record for his belief that the prison facility in which he was incarcerated had insufficient legal resources.

For these reasons, the deportation order of the Board of Immigration Appeals is **AFFIRMED**.