

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-5203
Summary Calendar

BABATIMDE F. KEHINDE,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the
Immigration and Naturalization Service
A23 689 744

June 21, 1993

Before KING, DAVIS and WIENER, Circuit Judges.

PER CURIAM:¹

Petitioner Babatimde Kehinde appeals an order of the BIA which dismissed Kehinde's appeal from a deportation order.

The BIA committed no error. Kehinde admitted to the immigration judge that: (1) he was deported from the United States in 1986 following a 1984 conviction for rape; (2) he was convicted in 1991 for reentry into the United States following deportation

¹Local 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

without first obtaining the necessary permission; (3) that he was properly deportable because he had returned without the proper authority. Kehinde did not ask the immigration judge for any relief the judge was empowered to grant.

On appeal to the Board of Immigration Appeals, Kehinde raised no issue that warranted relief and the Board summarily dismissed the appeal.

Similarly in his appeal to this court, Kehinde raises no legally relevant issue that merits relief. Kehinde's complaint that his concession that he was properly deportable is inadmissible because it was involuntary was never raised before the BIA and thus is not properly raised for the first time in this court. **See Rivera-Cruz v. INS**, 947 F.2d 962, 967 (5th Cir. 1991)(facts argued before this court should have been brought first before the Board). Most of his brief complains of irregularities in his 1986 deportation proceedings, his 1984 rape conviction and his 1991 conviction for entry without proper authority after being deported. Those issues were not before the BIA and are not before us. Specifically, Kehinde's 1986 deportation is not before us. For these reasons we deny Kehinde relief in this appeal as well as on his motion to Declare 1986 Deportation Violative of the Due Process Clause and Unconstitutional.

Because the BIA correctly dismissed petitioner's appeal, its order is

AFFIRMED; Motion DENIED.