UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-4112
Summary Calendar

CARLOS IRUEGAS-FIGUEROA,

Petitioner

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the
Immigration and Naturalization Service
A36 580 185

July 16, 1993

Before KING, DAVIS and WIENER, Circuit Judges.

DAVIS, Circuit Judge:[1]

Petitioner, Carlos Iruegas-Figueroa (Iruegas) seeks review of the order of the Board of Immigration Appeals denying relief from the order of deportation under § 212(c) of the Immigration and Nationality Act. We find no error and affirm.

Iruegas, a native and citizen of Mexico, is a permanent resident alien of this country. In December 1990, he was convicted in the Southern District of Texas of a felony, possession with

---

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

intent to distribute seventeen kilograms of marijuana. Based on this conviction, the Immigration Judge found petitioner deportable and following a recess, allowed the alien to apply for relief from deportation under § 212(c) of the Immigration & Nationality Act.

In an effort to persuade the immigration judge to grant him relief under § 212(c), Iruegas produced evidence of the following: (l) that he has a wife and three children in this country, (2) that he has been employed as a sheet rock insulation and ceiling installer, (3) that if he were deported to the United States it would be a hardship to his family, including his wife and children and also his mother, who is a United States citizen. (4) While he was in prison on the drug trafficking charge, he completed his GED and testified that he was completely rehabilitated.

The circumstances giving rise to his drug trafficking conviction were developed at the hearing. An acquaintance of Iruegas from McAllen, Texas, offered petitioner $l,000 to drive an automobile loaded with marijuana through the checkpoint. Iruegas was accompanied by his wife and children as they attempted to smuggle the marijuana into the country. In fact, Iruegas's wife drove the car.

The record of the hearing also revealed that Iruegas had problems with excessive alcohol use and received treatment while he was in prison.

The Immigration Judge considered the equities in favor of granting § 212 relief. The judge concluded, however, that the negative factors in this case outweigh those equities. The

immigration judge was particularly concerned with the seriousness of the offense for which petitioner was convicted; the petitioner's willingness to expose his wife and small children to the risk and dangers of drug trafficking; petitioner's alcohol abuse problem; petitioner's sporadic work record and continued inability to obtain permanent full time employment.

The BIA found the immigration judge's decision "to be correct in its findings of fact and application of the law" and affirmed the immigration judge's decision and dismissed petitioner's appeal.

We have considered all of petitioner's arguments in his appeal to this court and find that none of them have merit. The BIA did not err in declining to make independent findings and conclusions. In a case such as this where the immigration judge rendered a reasoned, thorough decision, the Board was free to adopt that decision and had no duty to "write an exegesis on every contention." **Osuchuku v. INS**, 744 F.2d 1136, 1142 (5th Cir. 1984).

Next we find no error in the immigration judge's conclusion that given the brief time since petitioner's discharge from prison, petitioner had no established that he was rehabilitated. We find the immigration judge's findings fully supported by the record evidence at the hearing. Finally, we find that neither the BIA nor the immigration judge abused their discretion in determining that "the negative factors in the case simply outweigh [the positive] equities" and then denying a § 212(c) relief.

We have considered all other issues presented to us which were properly presented to the BIA and find that none have merit.

AFFIRMED.