**UNITED STATES COURT OF APPEALS**
**for the Fifth Circuit**

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No. 93-5602
Summary Calendar

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CLAUDE WAYNE SHADWELL,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

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Petition for Review and Order of the
Immigration and Naturalizaiton Service
(INS #A18 035 798)

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(August 31, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:[1]

Petitioner, Claude Wayne Shadwell, a native and citizen of Canada, was found deportable under § 241(a)(1) of the Immigration and Naturalization Act, 8 U.S.C. § 1251(a)(1), for entry into the United States without proper entry documents and for having been convicted in Canada for crimes involving moral turpitude. Shadwell conceded deportability on these grounds. Shadwell sought relief on the basis of (1) a claim for § 212(h) waiver, (2) adjustment of

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

status based on a marriage to a United States citizen, and (3) a judicial recommendation against deportation made by a United States district judge who had sentenced Shadwell for a 1987 credit card crime. The immigration judge denied Shadwell's request for relief and ordered him deported to Canada.

Shadwell timely appealed to the Board of Immigration Appeals (BIA). Shadwell asserted the following in his notice of appeal:

> A. This case involves a sec. 212(h) waiver. The Immigration Judge erroneously denied this waiver by holding that there would be no hardship upon Appellant's deportation, or alternatively, that the hardship would not be extreme.
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> B. The Immigration Judge also erred by giving inadequate and inappropriate weight to a judicial recommendation against deportation for the very offense which created these deportation proceedings.
>
> C. The Immigration Judge supported his holding on the basis of evidence, not supported in the Record that your Appellant had failed to pay due taxes to the Internal Revenue Service.
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> D. Due to the accumulative effect of the foregoing legal errors, it is also respectfully submitted that the Immigration Judge's alternative conclusion that there should be a negative exercise of discretion is unsupportable.

Shadwell's notice of appeal indicated that he would file a separate written brief or statement, but none was ever filed.

The BIA summarily dismissed Shadwell's appeal on two independent grounds: 1) that his notice of appeal failed to sufficiently specify the basis of his appeal, and 2) that his appeal lacked an arguable basis in law or fact. Shadwell appeals. We affirm.

## DISCUSSION

The Board may summarily dismiss an appeal or a portion of an appeal in any case in which

> (A) The party concerned fails to specify the reasons for the appeal on Form EOIR-26 or Form EOIR 29 (Notices of Appeal) or other document filed therewith; [or]
>
> . . .
>
> (D) The Board is satisfied, from a review of the record, that the appeal lacks an arguable basis in law or fact, or that the appeal is filed for an improper purpose, such as to cause unnecessary delay . . . .

8 C.F.R. §§ 3.1(d)(1-a)(i)(A), (D). We review the BIA's summary dismissal for an abuse of discretion. See Medrano-Villatoro v. INS, 866 F.2d 132, 134 (5th Cir. 1989).

Whether a party sufficiently specifies the reasons for appeal is governed by the standard we set forth in Medrano-Villatoro:

> The reasons for appeal must inform the BIA what was wrong about the immigration judge's decision and why. The same must specify whether the petitioner challenges erroneous findings of fact or law, or both. If a question of law is presented, supporting authority must be cited; and if the dispute is on the facts, the particular details at issue must be identified. Moreover, if the denial of discretionary relief is in question, the statement of reasons must disclose whether the alleged error relates to grounds of statutory eligibility or the exercise of discretion. Although [a] petitioner could . . . set out his reasons for appeal at greater length in a brief or separate written statement, he [is] not required to do so. Nor [is] he required to fully argue his position in his notice of appeal.

Id. at 133-134 (internal citations omitted).

Shadwell's statement of reasons for appeal do not satisfy this standard. He fails to offer supporting authority for his alleged legal errors. Nor does Shadwell allude to any facts that the immigration judge misapplied or ignored. Although Shadwell correctly argues that he is not required to file a brief,[2] his conclusory allegations are not sufficiently detailed to allow the

[2] Shadwell contends that if an appeal is filed, the BIA is required to review the record. Such a contention is meritless in light of § 3.1(d)(1-a)(i)(A).

BIA to determine the nature of the error and to guide the BIA in its preliminary assessment of his case. Thus, the BIA did not abuse its discretion in summarily dismissing Shadwell's appeal.

Because we find that the BIA did not abuse its discretion in summarily dismissing Shadwell's appeal under § 3.1(d)(1-a)(i)(A), we need not address Shadwell's challenge to the BIA's alternative dismissal under § 3.1(d)(1-a)(i)(D).

## CONCLUSION

For the foregoing reasons, we AFFIRM the BIA's summary dismissal of Shadwell's appeal.