

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 20, 2014

Lyle W. Cayce
Clerk

No. 13-60613
Summary Calendar

FERNANDO LOPEZ-BARRAZA,

Petitioner,

v.

ERIC H. HOLDER, JR., U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A078 917 697

Before PRADO, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:*

Fernando Lopez-Barraza, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals's dismissal of his challenge to a decision of the Immigration Judge (IJ) denying his request for voluntary departure. He argues that his due process rights were infringed because the IJ erred when weighing the factors in favor of and against the requested relief.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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As a general rule, we lack jurisdiction to consider the propriety of the discretionary denial of a request for voluntary departure. See 8 U.S.C. § 1229c(f), § 1252(a)(2)(B)(i); *Vidal v. Gonzales*, 491 F.3d 250, 252 (5th Cir. 2007); *Eyoum v. INS*, 125 F.3d 889, 891 (5th Cir. 1997) (concluding that § 1252(a)(2)(B) precluded consideration of challenge to denial of voluntary departure). Nonetheless, we retain jurisdiction to consider constitutional claims and legal issues. See § 1252(a)(2)(D); *Sattani v. Holder*, 749 F.3d 368, 372-73 (5th Cir. 2014).

Our review of Lopez-Barraza's brief shows that it "presents no constitutional question or question of law." See *Sattani*, 749 F.3d at 373. Rather, he simply raises "an abuse of discretion argument cloaked in constitutional garb." See *Hadwani v. Gonzales*, 445 F.3d 798, 801 (5th Cir. 2006) (internal brackets, quotation marks, and citation omitted). Accordingly, the petition for review is DISMISSED for want of jurisdiction.