

August 18, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-60990
Summary Calendar

OLWIDCH DELVOIS,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A42 850 309

Before SMITH, STEWART and PRADO, Circuit Judges.

PER CURIAM:*

Olwidch Delvois petitions this court for review of the Board of Immigration Appeals's (BIA) order that dismissed for lack of jurisdiction his appeal from the Immigration Judge's (IJ) decision removing him to Haiti. Delvois's petition for review was converted from a habeas corpus petition filed pursuant to 28 U.S.C. § 2241 in the Eastern District of New York. See Rosales v. Bureau of Immigration and Customs Enforcement, 426 F.3d 733, 736 (5th Cir. 2005), cert. denied, 126 S. Ct. 1055 (2006).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Delvois has previously filed a petition for review in this court, which was dismissed for lack of jurisdiction. Delvois v. Ashcroft, No. 04-60699 (5th Cir. Nov. 2, 2004) (unpublished). We lack jurisdiction under 8 U.S.C. § 1252(d)(2) to consider a second petition for review. See Restrepo v. Winfrey, 162 F. App'x 311, 313 (5th Cir. 2006).

Accordingly, Delvois's petition for review is DISMISSED for lack of jurisdiction. Delvois's motion for release pending appeal is DENIED.