

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

No. 13-60525
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 11, 2014

Lyle W. Cayce
Clerk

MAOXUN CHEN,

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. A088 036 429

Before JONES, BARKSDALE, and HAYNES, Circuit Judges.

PER CURIAM:*

Maoxun Chen, a native and citizen of the People's Republic of China, petitions for review of the Board of Immigration Appeals' (BIA) dismissing his appeal of the immigration judge's (IJ) denying his requests for asylum, withholding of removal, and relief under the Convention Against Torture (CAT). The BIA agreed with the IJ that Chen's asylum application was

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

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untimely and that he had not established eligibility for withholding of removal or for CAT protection.

This court lacks jurisdiction to review the finding that Chen failed to establish “extraordinary circumstances”, which would justify an untimely asylum application. *Zhu v. Gonzales*, 493 F.3d 588, 594–96 (5th Cir. 2007).

By failing to brief a challenge to the eligibility determinations for withholding of removal and CAT protection, Chen has abandoned these issues. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003). Likewise, although Chen asserts in the issue statement of his brief that Congress did not intend the one-year deadline to penalize applicants for asylum, he has abandoned the issue by failing to brief it. *See id.*

DISMISSED in part; DENIED in part.