

United States Court of Appeals for the Fifth Circuit

No. 23-60551
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 22, 2024

Lyle W. Cayce
Clerk

JOSE LUIS SANTOYA LARA,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A075 894 005

Before HIGGINBOTHAM, JONES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Jose Luis Santoya Lara, a native and citizen of Mexico, petitions for review of a decision of the Board of Immigration Appeals (BIA) denying his motion to reopen. The denial was based on the BIA's conclusion that Santoya Lara had not shown prima facie eligibility for adjustment of status because he did not warrant the favorable exercise of discretion that is a

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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necessary component of this form of relief. *See Parada-Orellana v. Garland*, 21 F.4th 887, 893 (5th Cir. 2022); 8 U.S.C. § 1255(a). The Respondent moves to dismiss for want of jurisdiction under 8 U.S.C. § 1252(a)(2)(B).

The Respondent is correct insofar as he asserts that the jurisdiction-stripping provision of § 1252(a)(2)(B) applies here. *See Parada-Orellana*, 21 F.4th at 891-95. Additionally, Santoya Lara's argument that the BIA erred by not properly considering his favorable considerations and focusing on the negative factors in his case is not a legal argument that this court may review under § 1252(a)(2)(D) but instead is a challenge to a discretionary decision that may not be reviewed under § 1252(a)(2)(B). *Carreon v. Garland*, 71 F.4th 247, 254-55 (5th Cir. 2023). The motion to dismiss for want of jurisdiction is GRANTED, and the petition for review is DISMISSED for want of jurisdiction.