

# United States Court of Appeals for the Fifth Circuit

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No. 24-60187  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 19, 2024

Lyle W. Cayce  
Clerk

WELDER DE ARUANDA-SOTERO,

*Petitioner,*

*versus*

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

*Respondent.*

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Petition for Review of an Order of the  
Board of Immigration Appeals  
Agency No. A098 723 185

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Before WIENER, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:\*

Petitioner Welder De Aruanda-Sotero, a native and citizen of Brazil, petitions for review of an order of the Board of Immigration Appeals (BIA) denying his motion for reopening and reconsideration. The denial of these motions is reviewed under a deferential abuse-of-discretion standard. The BIA's ruling will stand so long as "it is not capricious, racially invidious,

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

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utterly without foundation in the evidence, or otherwise so irrational that it is arbitrary rather than the result of any perceptible rational approach.” *Zhao v. Gonzales*, 404 F.3d 295, 304 (5th Cir. 2005) (citation omitted); *Lowe v. Sessions*, 872 F.3d 713, 715 (5th Cir. 2017). Because De Aruanda-Sotero offers only conclusory assertions concerning the merits of his claims, he fails to meet this standard.

We need not consider his claim concerning the denial of his initial motion to reopen because he filed no petition for review from the denial of this claim. *See Stone v. INS*, 514 U.S. 386, 394-406 (1995); *Ramos-Lopez v. Lynch*, 823 F.3d 1024, 1027 (5th Cir. 2016). Regarding his contention that his due process rights were infringed, foreigners do not have due process rights with respect to discretionary relief. And reopening and reconsideration both fall under discretionary relief. *Ramos-Portillo v. Barr*, 919 F.3d 955, 963 (5th Cir. 2019); *Santos-Zacaria v. Garland*, 598 U.S. 411, 425 (2023). The petition for review is DENIED.