

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 15, 2021

Lyle W. Cayce
Clerk

No. 21-60404
Summary Calendar

JOSE OSORIO DIAZ,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A206 240 523

Before JOLLY, WILLETT, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

José Osorio Díaz, a native and citizen of Mexico, petitions this court for review of an order of the Board of Immigration Appeals (BIA) denying his putative motion to remand and dismissing an appeal from an order of the

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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immigration judge (IJ) denying his application for cancellation of removal under 8 U.S.C. § 1229b(b)(1).

Relying on *Pereira v. Sessions*, 138 S. Ct. 2105 (2018), and *Niz-Chavez v. Garland*, 141 S. Ct. 1474 (2021), Osorio Díaz first contends that, because his Notice to Appear did not provide the date and time of his initial immigration hearing, it was “defective.” Because Osorio Díaz did not present this claim to the BIA and could have done so on a motion to reopen or a motion for reconsideration, we lack jurisdiction to review it. *See Omari v. Holder*, 562 F.3d 314, 318–20 (5th Cir. 2009); *Wang v. Ashcroft*, 260 F.3d 448, 452 (5th Cir. 2001).

Osorio Díaz also challenges the BIA’s dismissal of his application for cancellation of removal. But his brief fails to address the reasons that the BIA articulated for upholding the IJ’s denial of his application, fails to identify error in the BIA’s analysis, and fails to adequately cite the record or identify any caselaw in support of his petition. By failing to adequately brief his challenge to the BIA’s dismissal of his appeal, Osorio Díaz has abandoned it. *See United States v. Scroggins*, 599 F.3d 433, 446 (5th Cir. 2010); *Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003). Osorio Díaz likewise abandoned by failure to brief any challenge to the BIA’s denial of his putative motion to remand. *See Soadjede*, 324 F.3d at 833.

Osorio Díaz’s petition for review is DENIED IN PART and DISMISSED IN PART for lack of jurisdiction.