

United States Court of Appeals for the Fifth Circuit

No. 22-60369
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 3, 2023

Lyle W. Cayce
Clerk

ANTOLIN MENDOZA VASQUEZ,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of
the Board of Immigration Appeals
Agency No. A215 658 129

Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Antolin Mendoza Vasquez, a native and citizen of Mexico, petitions for review of the June 2022 decision of the Board of Immigration Appeals (“BIA”) denying reconsideration of an October 2021 decision dismissing his appeal of a decision of the immigration judge (“I.J.”) ordering him removed. We lack jurisdiction to consider Mendoza Vasquez’s challenges to the BIA’s October 2021 decision, as to which Mendoza Vasquez filed no petition for

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

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review within 30 days. *See* 8 U.S.C. § 1252(b)(1); *Arulnanthy v. Garland*, 17 F.4th 586, 592 (5th Cir. 2021); *Navarro-Miranda v. Ashcroft*, 330 F.3d 672, 676 (5th Cir. 2003).

Thus, only the June 2022 decision on reconsideration is before us; we review the BIA’s denial under a highly deferential abuse-of-discretion standard. *Gonzales-Veliz v. Barr*, 938 F.3d 219, 226 (5th Cir. 2019). As the BIA determined, the motion for reconsideration urged errors only generally while essentially re-urging his arguments on appeal. *See* 8 U.S.C. § 1229a(c)-(6)(C); *Gonzalez Hernandez v. Garland*, 9 F.4th 278, 283 (5th Cir. 2021), *cert. denied*, 143 S. Ct. 86 (2022); *Matter of O-S-G-*, 24 I. & N. Dec. 56, 58 (BIA 2006).

Where a challenge to the BIA’s decision on reconsideration can be teased out from Mendoza Vasquez’s arguments about the original agency decisions, he contends only that the purpose of a motion to reconsider is to point out errors in the prior judgment, without acknowledging that he briefs no argument with relevant supporting citations or specific legal authority on the errors to which he alludes. His mischaracterizations of the agency’s decisions, particularly his repeated contentions that the BIA failed to provide reasons, is belied by a review of those decisions. Mendoza Vasquez’s vague, unsupported claims are insufficient to show that the reconsideration decision was “capricious, racially invidious [or] utterly without foundation in the evidence.” *Zhao v. Gonzales*, 404 F.3d 295, 304 (5th Cir. 2005) (quoting *Pritchett v. INS*, 993 F.2d 80, 83 (5th Cir. 1993)); *see Gonzalez Hernandez*, 9 F.4th at 283.

The petition for review is DISMISSED in part for want of jurisdiction and DENIED in part.