

United States Court of Appeals
for the Fifth Circuit

No. 22-60388
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 1, 2023

Lyle W. Cayce
Clerk

GUILLERMO DE JESUS HERRERA CALLE; BRAHYAN HERRERA
RUIZ; DIONE JULIETH RUIZ ARIAS,

Petitioners,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A206 389 051
Agency No. A206 389 052
Agency No. A206 389 053

Before STEWART, DENNIS, and WILLETT, *Circuit Judges.*

PER CURIAM:*

Guillermo De Jesus Herrera Calle petitions this court for review of an order of the Board of Immigration Appeals denying a motion to reconsider a decision overturning an Immigration Judge's grant of asylum and

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

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withholding of removal and remanding for consideration of eligibility for relief under the Convention Against Torture.¹

We must always be aware of our jurisdiction. *Zhao v. Gonzales*, 404 F.3d 295, 302 & n.3 (5th Cir. 2005). Under our statutory authority, we may review a “final order of removal” in immigration proceedings. 8 U.S.C. § 1252(a)(1); see *Moreira v. Mukasey*, 509 F.3d 709, 713 (5th Cir. 2007). Our jurisdiction to review final orders of removal “encompasses review of decisions refusing to reopen or reconsider such orders.” *Mata v. Lynch*, 576 U.S. 143, 147 (2015) (internal citations omitted). Because Herrera Calle’s petition for review challenges neither a final order of removal nor a “decision[] refusing to reopen or reconsider” a final order of removal, *Mata*, 576 U.S. at 147, we lack jurisdiction over it. See § 1252(a)(1). The petition for review is DISMISSED.

¹ The other petitioners were derivatives on Herrera Calle’s application for relief.