

May 16, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-60225
Summary Calendar

RUBEN ABASTILLAS OGELSBY,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A72 027 343

Before JONES, Chief Judge, and DeMOSS and PRADO, Circuit Judges.

PER CURIAM:*

Ruben Abastillas Ogelsby petitions for review of an order of the Board of Immigration Appeals (BIA). The BIA determined that Ogelsby was removable from the United States because he was an alien who had committed an aggravated felony. Ogelsby maintains that the Immigration and Nationalization Service (INS) was equitably estopped from denying him citizenship because the actions of an INS clerk prevented him from obtaining citizenship.

We lack jurisdiction to review the BIA's determination that an alien is deportable because he has committed an aggravated felony.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

See 8 U.S.C. § 1252(a)(2)(C). Ogelsby does not dispute the BIA's determination that he has committed an aggravated felony, and his equitable estoppel claim attacking the BIA's finding that he is an alien fails. See Moosa v. INS, 171 F.3d 994, 1003 (5th Cir. 1999). Consequently, Ogelsby's petition for review is DISMISSED FOR WANT OF JURISDICTION.