

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2011

Lyle W. Cayce
Clerk

No. 11-60020
Summary Calendar

SARAI PADILLA-VARELA,

Petitioner

v.

ERIC H. HOLDER, JR., U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A078-313-152

Before GARZA, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

Sarai Padilla-Varela petitions for review of an order of the Board of Immigration Appeals (BIA). The BIA determined that Padilla-Varela was removable from the United States because she was an alien who had committed an aggravated felony. Padilla-Varela maintains that she is entitled to equitable estoppel of removal because delay by and actions of immigration authorities in processing her application for adjustment of status prevented her from obtaining automatic citizenship by operation of 8 U.S.C. § 1431 (2000).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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We lack jurisdiction to review the BIA's determination that an alien is deportable because she has committed an aggravated felony. *See* 8 U.S.C. § 1252(a)(2)(C). Padilla-Varela does not dispute the BIA's determination that she committed an aggravated felony. We review her equitable estoppel claim attacking the BIA's finding that she is an alien *de novo* and conclude that it fails. *See Robertson-Dewar v. Holder*, 646 F.3d 226, 229-30 (5th Cir. 2011). Consequently, Padilla-Varela's petition for review is DISMISSED for want of jurisdiction in part and DENIED in part.