

United States Court of Appeals
For the Eighth Circuit

No. 16-2582

Benigno Hernandez-Cisneros

Petitioner

v.

Jefferson B. Sessions, III, Attorney General of the United States¹

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals

Submitted: March 3, 2017

Filed: March 8, 2017

[Unpublished]

Before SMITH, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

¹Jefferson B. Sessions, III has been appointed to serve as Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c)(2).

Mexican citizen Benigno Hernandez-Cisneros petitions for review of an order of the Board of Immigration Appeals (BIA). Previously, an immigration judge (IJ) had granted Hernandez-Cisneros cancellation of removal on discretionary hardship grounds, and the BIA had issued an order vacating the IJ's decision and remanding solely for entry of an order of removal. Hernandez-Cisneros sought to appeal the resulting order of removal. The BIA treated the appeal as a motion seeking reconsideration of its prior order, and found that Hernandez-Cisneros had not identified errors of fact or law establishing a basis to disturb its prior decision.² After careful consideration, we conclude that the BIA did not abuse its discretion in denying Hernandez-Cisneros's reconsideration request. See Martinez v. Lynch, 785 F.3d 1262, 1264-65 (8th Cir. 2015). The petition is denied. See 8th Cir. R. 47B.

²The BIA's determination that Hernandez-Cisneros failed to submit the requisite new and material evidence for a motion to reopen is not before us in this petition for review. See Jenkins v. Winter, 540 F.3d 742, 751 (8th Cir. 2008) (issues not raised in opening brief are deemed waived).