

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

United States Court of Appeals
Fifth Circuit

FILED

July 2, 2009

Charles R. Fulbruge III
Clerk

No. 08-60670
Summary Calendar

MARIA CRISTINA ALVAREZ

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. A95 813 735

Before KING, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Maria Cristina Alvarez, a native and citizen of Mexico, petitions for review of a decision of the Board of Immigration Appeals (BIA) dismissing her appeal from the denial of her application for cancellation of removal for certain nonpermanent residents and adjustment of status and from the BIA's order denying her motion for reconsideration. Alvarez argues that the immigration judge erred by denying her application for cancellation of removal because her

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

removal would impose an exceptional and extremely undue hardship on her United States-born, minor children. The Government argues that this court lacks jurisdiction over the BIA's order dismissing Alvarez's appeal because she failed to file a timely petition for review from that decision. The Government further argues that Alvarez has waived any challenge to the denial of her motion for reconsideration by failing to brief the issue.

Alvarez did not file a timely petition for review of the BIA's April 23, 2008 order dismissing her appeal. *See Stone v. INS*, 514 U.S. 386, 394-95 (1995); *Guevara v. Gonzales*, 450 F.3d 173, 176 (5th Cir. 2006). Accordingly, this court lacks jurisdiction to review the BIA's decision dismissing her appeal.

Although Alvarez's petition for review of the BIA's denial of her motion for reconsideration is timely filed, she raises no issue with respect to the BIA's denial of her motion for reconsideration. Issues that are not briefed are waived. *See Thuri v. Ashcroft*, 380 F.3d 788, 793 (5th Cir. 2004).

For the foregoing reasons, Alvarez's petition for review is DENIED in part and DISMISSED in part.