

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

F I L E D
May 20, 2011

No. 10-60389
Summary Calendar

Lyle W. Cayce
Clerk

DEREJE YEMANE WOLDEGIORGISE, also known as Dereje Woldegiorgise,

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. A079 951 528

Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:*

Dereje Yemane Woldegiorgise, a native and citizen of Ethiopia, petitions this court for review of the decision of the Board of Immigration Appeals (BIA) denying his motion for reconsideration of the denial of his motion to reopen the removal proceedings against him. He also moves this court for a stay of removal pending the location of a third, safe country of removal. Woldegiorgise makes the following five arguments before this court: (1) that his 2008 conviction no longer qualifies as an aggravated felony due to the suspension of his sentence,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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(2) that his 2008 conviction is not a crime of violence or domestic violence, (3) that he is eligible for and should be granted asylum, (4) that he should be granted withholding of removal, and (5) that he should be granted relief under the Convention Against Torture.

We review the BIA's denial of a motion for reconsideration under a highly deferential abuse-of-discretion standard. *See Lara v. Trominski*, 216 F.3d 487, 496-97 (5th Cir. 2000); *Osuchukwu v. INS*, 744 F.2d 1136, 1141 (5th Cir. 1984). Under this standard, this court must uphold the BIA's denial of a motion for reconsideration, even if the court "deem[s] it] in error, so long as it is not capricious, racially invidious, utterly without foundation in the evidence, or otherwise so aberrational that it is arbitrary rather than the result of any perceptible rational approach." *Osuchukwu*, 744 F.2d at 1142.

The issues briefed by Woldegiorgise are legal arguments challenging the validity of the underlying removal order. Woldegiorgise's brief does not identify or analyze any error related to the BIA's denial of his motion for reconsideration. Because Woldegiorgise's attorney-prepared brief does not adequately brief the sole issue before this court, he has abandoned it. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003); *Beasley v. McCotter*, 798 F.2d 116, 118 (5th Cir. 1986). Accordingly, the petition for review is DENIED. The motion for a stay of removal is also DENIED.