

July 31, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-60922  
Summary Calendar

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WALTER NOSIKE ABIA,

Petitioner,

versus

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

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A28 329 479  
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Before JONES, Chief Judge, and HIGGINBOTHAM and STEWART, Circuit Judges.

PER CURIAM:\*

Walter Nosike Abia, a native and citizen of Nigeria, appeals the Board of Immigration Appeals (BIA) decision denying his motion to reopen.

Abia does not challenge the BIA's determination that his motion to reopen was untimely filed under 8 C.F.R. § 1003.2(b)(2) and (c)(2), and thus he has abandoned these issues. See Al-Ra'id v. Ingle, 69 F.3d 28, 33 (5th Cir. 1995). Although Abia argues that the BIA erred in denying his motion to reopen his case sua

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sponte based on exceptional circumstances, this court does not have jurisdiction to consider this issue. See Enriquez-Alvarado v. Ashcroft, 371 F.3d 246, 248-50 (5th Cir. 2004).

Abia also argues that his due process and equal protection rights were violated when the BIA refused to reopen his case. However, because he does not have a liberty interest in the BIA's denial of his motion to reopen, Abia cannot establish a due process violation. See Altamirano-Lopez v. Gonzales, 435 F.3d 547, 550-51 (5th Cir. 2006). Because Abia has not adequately briefed any equal protection violation, he has abandoned this issue. See Al-Ra'id, 69 F.3d at 33; Beasley v. McCotter, 798 F.2d 116, 118 (5th Cir. 1986).

DENY PETITION.