

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 23, 2008

Charles R. Fulbruge III  
Clerk

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No. 08-60050  
Summary Calendar

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MIGUEL CRUZ-MARQUINA

Petitioner

v.

MICHAEL B MUKASEY, U S ATTORNEY GENERAL

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A37 567 148

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Before WIENER, STEWART and CLEMENT, Circuit Judges.

PER CURIAM:\*

Miguel Cruz-Marquina petitions this court for review of an order from the Board of Immigration Appeals (BIA). The BIA affirmed the Immigration Judge's decision granting the respondent's motion to pretermitt Cruz-Marquina's request for a waiver of removal pursuant to former INA § 212(c) and ordering Miguel Cruz-Marquina removed from the United States. Cruz-Marquina contends that the BIA erred by determining that he was ineligible for relief pursuant to § 212(c). Specifically, he avers that he is entitled to § 212(c) relief because his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

indecent with a child offense is comparable to a crime involving moral turpitude. Cruz-Marquina's arguments in support of his petition for review are foreclosed by our precedent. See *Vo v. Gonzales*, 482 F.3d 363 (5th Cir. 2007); *Avilez-Granados v. Gonzales*, 481 F.3d 869, 871-72 (5th Cir. 2007). Cruz-Marquina's petition for review is DENIED.