

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 18, 2009

Charles R. Fulbruge III  
Clerk

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No. 08-60181

Summary Calendar

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ISRAEL VASQUEZ-BARRON, also known as Israel Vasquez

Petitioner

v.

ERIC H HOLDER, JR, U S ATTORNEY GENERAL

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A35 509 590

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Before JOLLY, BENAVIDES, and HAYNES, Circuit Judges.

PER CURIAM:\*

Israel Vasquez-Barron (Vasquez) petitions this court for review of the refusal by the Board of Immigration Appeals (BIA) to reopen his removal proceedings sua sponte. Vasquez challenges the BIA's determination that it lacked jurisdiction to reopen the proceedings because Vasquez had already been deported. Vasquez's attempt to have his removal proceedings reopened is foreclosed by *Navarro-Miranda v. Ashcroft*, 330 F.3d 672, 675-76 (5th Cir. 2003),

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

where we upheld the BIA's interpretation of 8 C.F.R. § 1003.2(d) (formerly 8 C.F.R. § 3.2(d)) as removing the BIA's jurisdiction to reopen the removal proceedings of a deported alien. In any event, Vasquez's underlying claim based on *INS v. St. Cyr*, 533 U.S. 289 (2001), was untimely. *See* 8 C.F.R. § 1003.44(h).

The petition for review is DENIED.