

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-60386  
Summary Calendar

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GUSTAVO VARGAS-URIBE,  
a/k/a Gustavo Vargas,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
A29 398 896

- - - - -  
April 12, 1996

Before HIGGINBOTHAM, DUHÉ, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

The record does not show that Gustavo Vargas-Uribe filed a formal application for suspension of deportation; thus, Vargas-Uribe has failed to establish that the Board of Immigration Appeals (BIA) abused its discretion when it denied his request to remand the deportation proceedings to the Immigration Judge.

Ogbemudia v. INS, 988 F.2d 595, 600 (5th Cir. 1993).

This court cannot consider the evidence Vargas-Uribe has submitted with his appellate brief because he did not present it

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

to the Immigration Judge or the BIA. Miranda-Lores v. INS, 17 F.3d 84, 85 (5th Cir. 1994). Although the court may order a remand to consider additional material evidence pursuant to 28 U.S.C. § 2347(c), remand is not appropriate in this case because Vargas-Uribe has failed to show reasonable grounds for his failure to submit this evidence to the BIA. Id.

PETITION FOR REVIEW DENIED.