

October 24, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-60049  
Summary Calendar

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MARIA ROJAS-MARQUEZ, also known as Maria N. Belmontes,

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. A76 445 045  
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Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Petitioner Maria Rojas-Marquez (Rojas) petitions this court to review the January 3, 2006, order entered by the Department of Justice reinstating her prior order of removal. Rojas argues that the reinstatement provisions of 8 U.S.C. § 1231(a)(5) are impermissibly retroactive to aliens who were deported and reentered the United States prior to the statute's effective date of April 1, 1997.

This court has rejected Rojas's argument in Ojeda-Terrazas v. Ashcroft, 290 F.3d 292, 299-302 (5th Cir. 2002).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Additionally, the United States Supreme Court held in Fernandez-Vargas v. Gonzales, 126 S. Ct. 2422, 2425 (2006), that § 1231(a)(5) "applies to those who entered before IIRIRA and does not retroactively affect any right of, or impose any burden on" the alien. Rojas's argument is without merit.

Accordingly, her petition for review is DENIED. Rojas's request that we reconsider our prior denial of her motion for a stay of deportation is DENIED.