

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

No. 98-60608
Summary Calendar

ARMANDO MONTES DE OCA-CASTILLO;
ELSA LUCERO-REYES,

Petitioners,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
(A74-590-845 & 846)

July 26, 1999

Before POLITZ, JOLLY, and WIENER, Circuit Judges.

PER CURIAM:*

Armando Montes de Oca-Castillo and Elsa Lucero-Reyes have filed a petition for review of the Board of Immigration Appeals' final order of exclusion. Montes and Lucero contend that their due process rights were violated because the immigration officer at the port of entry did not adequately apprise them of their right to withdraw their applications for admission into the United States, and the immigration judge refused to allow them to withdraw their applications for admission during the exclusion hearing. These issues, however, were not presented

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to the Board of Immigration Appeals. Accordingly, we lack jurisdiction to decide them.¹

Montes and Lucero also assert that the BIA violated their due process rights by conducting a “cursory” or “summary” review of their appeal. This issue has not been discussed in the body of appellant’s brief and therefore is deemed abandoned.²

Finally, Montes and Lucero contend that exclusion proceedings were inappropriate in their case, maintaining instead that they should have been placed in deportation proceedings. This contention is unavailing; exclusion proceedings were appropriate in this case.³

The petition for review is DENIED.

¹ **Ozdemir v. INS**, 46 F.3d 6 (5th Cir. 1994).

² **Green v. State Bar of Texas**, 27 F.3d 1083 (5th Cir. 1994).

³ **Delgado-Carrera v. INS**, 773 F.2d 629 (5th Cir. 1985).