



**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 02-2001

Victor A. Ramirez-Ruiz,

Petitioner,

v.

Immigration and Naturalization
Service; John D. Ashcroft, Attorney
General of the United States,

Respondents.

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* Petition for Review of
* an Order of the Immigration
* and Naturalization Service.
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* **[UNPUBLISHED]**
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Submitted: December 3, 2002
Filed: December 12, 2002

Before LOKEN, BYE, and RILEY, Circuit Judges.

PER CURIAM.

Guatemalan citizen Victor Ramirez-Ruiz petitions for review of an order of the Board of Immigration Appeals (BIA), which summarily dismissed his appeal from an Immigration Judge's denial of his applications for asylum, withholding of removal, and protection under the Torture Convention. The BIA concluded that summary dismissal was appropriate under 8 C.F.R. § 3.1(d)(2)(i)(D) (2002) because Ramirez-Ruiz failed to file a brief after indicating on his Form EOIR-26 that he would do so. On appeal, however, Ramirez-Ruiz argues only that the Immigration Judge abused his discretion in denying the asylum petition. Because Ramirez-Ruiz does not

challenge the BIA's summary dismissal, he has waived any challenge to this independent basis for the BIA's decision. See United States v. Gonzales, 90 F.3d 1363, 1369-70 (8th Cir. 1996) (failure to assign error or discuss contention in appellate brief is deemed abandonment of issue).

Accordingly, the petition for review is denied.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.