

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-10541
Non-Argument Calendar

Agency No. A099-105-917

PETRA TOBIAS,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

(October 10, 2012)

Before BARKETT, PRYOR, and ANDERSON, Circuit Judges.

PER CURIAM:

Petra Tobias seeks review of the BIA's decision to dismiss her motion to

reconsider as procedurally barred. She argues that given the circumstances of this case, there is no procedural bar on multiple motions to reconsider.

We review the BIA's denial of a motion to reconsider for abuse of discretion. *Calle v. U.S. Att'y Gen.*, 504 F.3d 1324, 1328 (11th Cir. 2007). An exercise of administrative discretion will not be upheld if it is arbitrary or capricious. *Abdi v. U.S. Att'y Gen.*, 430 F.3d 1148, 1149 (11th Cir. 2005). "A party may file only one motion to reconsider any given decision and may not seek reconsideration of a decision denying a previous motion to reconsider." 8 C.F.R. § 1003.2(b)(2).

On appeal, Tobias does not argue that she has not filed two motions to reconsider, and any such argument is therefore abandoned. *Carmichael v. Kellogg, Brown & Root Serv., Inc.*, 572 F.3d 1271, 1293 (11th Cir. 2009). Agency regulations state that only one motion to reconsider can be filed for any decision, and a party may not request reconsideration of a motion to reconsider. 8 C.F.R. § 1003.2(b)(2). Because there is no argument that she does not have two motions to reconsider, her present motion was her second motion to reconsider. Accordingly, the BIA correctly denied it and did not act in an arbitrary or capricious manner.

PETITION DENIED.