

August 2, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-60710
Summary Calendar

HECTOR ALVARADO-MOLINA,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A11 298 677

Before BENAVIDES, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Hector Alvarado-Molina has filed a petition for review of a final order of the Board of Immigration Appeals (BIA) affirming the denial of his motion to reopen his 1999 removal proceedings. He argues that the BIA should have reopened his 1999 removal proceedings because although the immigration judge in the 1999 proceedings found his theft conviction rendered him statutorily ineligible for a waiver of removal, the subsequent decision of INS v. St. Cyr, 533 U.S. 289 (2001), clarified that he was eligible for such relief under former Immigration and Nationality

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Act § 212(c), former 8 U.S.C. § 1182(c). Specifically, he argues that the 1999 removal proceedings violated his due process rights.

Alvarado-Molina's due process claim, which we review de novo, is without merit. See Ogbemudia v. INS, 988 F.2d 595, 598 (5th Cir. 1993); United States v. Lopez-Ortiz, 313 F.3d 225, 230-31 (5th Cir. 2002). Alvarado-Molina has not otherwise shown that the BIA's denial of his motion to reopen was an abuse of discretion. See Lara v. Trominski, 216 F.3d 487, 496 (5th Cir. 2000); see also Navarro-Miranda v. Ashcroft, 330 F.3d 672, 674-76 (5th Cir. 2003). The petition for review is DENIED.