

May 22, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60087
Summary Calendar

MADATALI KASSAMALI CHATOOR,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A91-907-305

Before JOLLY, JONES and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Madatali Kassamali Chatoor, a native and citizen of India, entered the United States in 1985 without inspection and became a lawful permanent resident in 1990. In 1996, Chatoor pleaded guilty to a violation of 18 U.S.C. § 2320, trafficking in counterfeit goods or services and aiding and abetting, and was sentenced to eighteen months' imprisonment and three years' supervised release.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

In 2000, the Board of Immigration Appeals ("BIA") ordered Chatoor removed and deported to India. Chatoor departed the United States as ordered.

In September 2001, Chatoor moved the BIA to reopen his removal proceedings. Id. at 14. He alleged that under INS v. St. Cyr, 533 U.S. 289 (2001), he was entitled to relief, and he argued that his departure from the United States did not moot or bar his action. The BIA denied Chatoor's motion to reopen, citing 8 C.F.R. § 3.2(d) and explaining that because Chatoor had been deported, it lacked jurisdiction to consider his motion. Chatoor filed a timely petition for review.

Chatoor contends that the BIA erred in relying on § 3.2(d). He argues that under St. Cyr, he is eligible for relief from removal. He contends that the BIA may exercise its discretion to reopen his case as an exceptional situation based on a change in the law.

Chatoor's position is foreclosed by our opinion in Navarro-Miranda v. Ashcroft, ___ F.3d ___, 2003 WL 565800 (5th Cir. Feb. 28, 2003) (No. 01-60945). Accordingly, Chatoor's petition for review is DENIED.

PETITION DENIED.