

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-60170  
Summary Calendar

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FRANCISCO ANTONIO CASTILLO,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
(A28 343 270)  
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January 10, 2003

Before BARKSDALE, DEMOSS and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Francisco Antonio Castillo ("Castillo") has filed a petition for review of a final order of the Board of Immigration Appeals ("BIA") affirming the denial of Castillo's motion to reopen his deportation proceeding. Castillo was ordered deported in absentia on May 13, 1988, when he failed to appear for his deportation hearing.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Contrary to Castillo's assertion, the BIA did not determine that the motion to reopen was untimely; the BIA denied the motion on the basis that Castillo did not establish "reasonable cause" for his failure to attend the hearing. The BIA did not abuse its discretion in denying the motion. See Lara v. Trominski, 216 F.3d 487 (5th Cir. 2000); United States v. Estrada-Trochez, 66 F.3d 733, 735-36 (5th Cir. 1995). To the extent that the BIA determined that Castillo's request for substantive relief in the form of an adjustment of status was untimely, Castillo asserts only that he would have filed a timely motion for relief had he been given proper notice of the deportation order. Inasmuch as he has not shown that the notice was improper, this argument is without merit.

PETITION DENIED.