

April 4, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60423
Summary Calendar

MARWAN JWEIED ABADI, also known as Mark Abadi

Petitioner

v

JOHN ASHCROFT, US ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
A77 449 583

Before KING, Chief Judge, and SMITH and DENNIS, Circuit Judges.

PER CURIAM:*

Marwan Jweied Abadi has filed a petition for review of a final order of the Board of Immigration Appeals ("BIA") affirming the denial of Abadi's motion to reopen his removal proceeding. Abadi was ordered removed in absentia on June 1, 1999, when he failed to appear for his removal hearing.

Abadi argues that the BIA abused its discretion in light of evidence that he failed to receive notice of the removal hearing.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

He also argues that the BIA's decision was an abuse of discretion because the lack of notice violated his due process rights.

We have reviewed the record and the briefs submitted by the parties and have determined, in view of the substantial evidence that Abadi provided the address to which notice of his removal hearing was mailed, that the BIA did not abuse its discretion in denying the motion to reopen. See Lopez-Gomez v. Ashcroft, 263 F.3d 442, 444 (5th Cir. 2001); Lara v. Trominski, 216 F.3d 487, 496 (5th Cir. 2000). Likewise, because the mailing of notice to the last address provided by Abadi does not violate due process, see United States v. Estrada-Trochez, 66 F.3d 733, 735-36 (5th Cir. 1995), Abadi has not shown an abuse of discretion. Accordingly, Abadi's petition for review is DENIED.

PETITION DENIED.