

June 19, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-60558  
Summary Calendar

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JULIO RENE LESCANO,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A29 931 815  
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Before HIGGINBOTHAM, DUHÉ, and CLEMENT, Circuit Judges.

PER CURIAM:<sup>1</sup>

Julio Rene Lescano petitions for review of the Board of Immigration Appeals' decision dismissing his appeal from the immigration judge's decision denying his motion to reopen his deportation proceedings and to rescind his *in absentia* deportation order. He argues that his counsel was ineffective for failing to notify him of the date of his hearing and for failing to attend the hearing. We have reviewed the record and determine that Lescano failed to comply with the requirements for reopening a deportation

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<sup>1</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

hearing based on ineffective assistance of counsel as set forth in Matter of Lozada, 19 I. & N. Dec. 637 (BIA 1988). See Lara v. Trominski, 216 F.3d 487 (5th Cir. 2000). Consequently, his petition for review is DENIED.