

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 15-60113  
Summary Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

May 23, 2016

Lyle W. Cayce  
Clerk

CARLOS EDUARDO VALLEJO-DELGADO,

Petitioner

v.

LORETTA LYNCH, U. S. ATTORNEY GENERAL,

Respondent

\_\_\_\_\_  
Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A070 608 193  
\_\_\_\_\_

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Carlos Eduardo Vallejo-Delgado, a native and citizen of Mexico, petitions for review of the order of the Board of Immigration Appeals (BIA) dismissing his appeal of the immigration judge's (IJ) denial of his motion to reopen his in absentia removal proceedings. We have jurisdiction to review the denial of this motion. *See Nolos v. Holder*, 611 F.3d 279, 281 (5th Cir. 2010).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

## No. 15-60113

Because the BIA affirmed the IJ's decision without opinion, the IJ's decision is the final agency determination for purposes of our review. *See Soadjede v. Ashcroft*, 324 F.3d 830, 831-32 (5th Cir. 2003). We review the BIA's denials of motions to reopen under a "highly deferential abuse-of-discretion standard." *Zhao v. Gonzales*, 404 F.3d 295, 303 (5th Cir. 2005).

Vallejo-Delgado does not challenge the BIA's holdings that, insofar as he requested reopening based upon an exceptional circumstance and in order to request new relief from removal, his motion was untimely; consequently, he has abandoned any such challenges. *See Soadjede*, 324 F.3d at 833. Service of notice of the removal hearing upon Vallejo-Delgado's attorney, which service Vallejo-Delgado does not dispute, constituted adequate notice. *See* 8 U.S.C. § 1229a(b)(5)(A); 8 C.F.R. § 1292.5(a); *Rodriguez-Manzano v. Holder*, 666 F.3d 948, 953 n.6 (5th Cir. 2012); *Men Ken Chang v. Jiugni*, 669 F.2d 275, 277-78 (5th Cir. 1982). Vallejo-Delgado fails to show that the BIA abused its discretion. *Zhao*, 404 F.3d at 303.

The motion for summary disposition is GRANTED, and the petition for review is DENIED.