

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 30, 2020

Lyle W. Cayce  
Clerk

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No. 19-60341  
Summary Calendar

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RUDY EMILIO TOVAR-MEZA,

Petitioner

v.

WILLIAM P. BARR, U. S. ATTORNEY GENERAL,

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A098 908 626

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Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Rudy Emilio Tovar-Meza, a native and citizen of El Salvador, petitions for review of a decision by the Board of Immigration Appeals (BIA) dismissing his appeal from an order by an immigration judge (IJ) denying his motion to reopen and rescind his in absentia removal order. The BIA determined that Tovar-Meza failed to demonstrate a basis to reopen or rescind because the lack of notice of his removal hearing was the result of his failure to provide a mailing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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address. *See Gomez-Palacios v. Holder*, 560 F.3d 354, 359-61 (5th Cir. 2009). Reviewing that decision on a highly deferential abuse-of-discretion standard, *id.* at 358, we deny the petition.

First, we have already concluded that the Supreme Court's decision in *Pereira v. Sessions*, 138 S. Ct. 2105 (2018), did not affect our decision in *Gomez-Palacios*. *See Mauricio-Benitez v. Sessions*, 908 F.3d 144, 148 & n.1 (5th Cir. 2018), *cert. denied*, 139 S. Ct. 2767 (2019). Second, Tovar-Meza fails to demonstrate any error in the BIA's determination that he failed to provide an address in the months following his release from detention. *See Gomez-Palacios*, 560 F.3d at 358. Third, we are unpersuaded that the BIA erred in rejecting his due process argument. *See Ramos-Portillo v. Barr*, 919 F.3d 955, 963 (5th Cir. 2019). Accordingly, Tovar-Meza's petition for review is DENIED.