

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 3, 2021

Lyle W. Cayce
Clerk

No. 19-60775
Summary Calendar

EUSEBIO GOMEZ SALGADO,

Petitioner,

versus

ROBERT M. WILKINSON, *Acting U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A078 987 649

Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Eusebio Gomez Salgado, a native and citizen of Mexico, petitions for review of the denial by the Board of Immigration Appeals (BIA) of his motion to reopen. Relying on *Pereira v. Sessions*, 138 S. Ct. 2105 (2018), Gomez Salgado argues the immigration judge had no jurisdiction over his removal

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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proceedings because his notice to appear was defective in that it failed to state the time and place of his initial removal hearing. We have rejected such arguments, concluding that *Pereira* is limited to cases involving the stop-time rule in removal proceedings, which is not at issue here. *See Pierre-Paul v. Barr*, 930 F.3d 684, 689-90 (5th Cir. 2019), *cert. denied*, 140 S. Ct. 2718 (2020). Because Gomez Salgado's argument is foreclosed by *Pierre-Paul*, which he concedes, he fails to show that the BIA abused its discretion in denying his motion to reopen based on *Pereira*. *See Mejia v. Barr*, 952 F.3d 255, 259 (5th Cir. 2020).

The petition for review is DENIED.