

United States Court of Appeals for the Fifth Circuit

No. 23-60187
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 27, 2023

Lyle W. Cayce
Clerk

ALMA SOFIA CENTENO-SANTIAGO,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A098 487 880

Before BARKSDALE, ENGELHARDT, and WILSON, *Circuit Judges.*

PER CURIAM:*

Alma Sofia Centeno-Santiago, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' (BIA) dismissing her appeal from the immigration judge's denial of her 2019 motion to reopen, which sought rescission of the 2004 removal order entered against her *in absentia*.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Motions to reopen are “disfavored”; review is “under a highly deferential abuse-of-discretion standard”. *Mauricio-Benitez v. Sessions*, 908 F.3d 144, 147 (5th Cir. 2018) (citation omitted). Under this standard, our court will affirm unless the agency’s decision is “capricious, without foundation in the evidence, or otherwise so irrational that it is arbitrary rather than the result of any perceptible rational approach”. *Id.* (citation omitted). Review of the BIA’s factual findings is for substantial evidence; the findings are overturned only “if the evidence compels a contrary conclusion”. *Id.*

The record does not compel a conclusion contrary to the BIA’s on whether Centeno fulfilled her obligation to keep the immigration court apprised of her current address. *E.g., id.*; 8 U.S.C. § 1229a(b)(5)(B) (“No written notice shall be required under subparagraph (A) if the alien has failed to provide the address required . . .”). She, therefore, forfeited her right to notice of her hearing, and the BIA’s denial of her motion to reopen was not arbitrary. *See Niveló Cardenas v. Garland*, 70 F.4th 232, 243 (5th Cir. 2023) (“[A]n alien [can] forfeit [her] right to notice under Section 1229a(b)(5)(B), regardless of whether the [notice to appear] contained the hearing time and place, if the alien failed to provide the immigration court with a mailing address at which [she] could be notified”). Because she forfeited her right to notice by failing to update her mailing address, her other contentions have no bearing on the BIA’s denying her motion to reopen.

DENIED.