

CORRECTED

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-60377
Summary Calendar

JUAN CARLOS CANAS,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
A70 566 443

March 17, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Juan Carlos Canas seeks to appeal the Board of Immigration Appeals' denial of his appeal from the immigration judge's denial of Canas's motion to reopen deportation proceedings. Canas was ordered deported following an *in absentia* deportation proceeding.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Deportation orders following such proceedings may be rescinded only if the alien shows exceptional circumstances for his failure to appear, shows that he did not receive notice of the hearing, or shows that he was in federal or state custody and did not appear at the hearing through no fault of his own. 8 U.S.C. § 1252b(c)(3). Canas failed to meet any of these requirements and, therefore, was not entitled to have the *in absentia* deportation order rescinded. Canas's argument that he did not attend the hearing due to a dental emergency does not meet the exceptional circumstances standard, since no evidence was presented to establish that such an emergency existed. See 8 C.F.R. § 103.5(a)(2). Canas's petition for review is DENIED.