

United States Court of Appeals
for the Fifth Circuit

No. 22-60317
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 15, 2023

Lyle W. Cayce
Clerk

DARLIN DIANA PORTILLO-VILLANUEVA,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A206 480 388

Before DAVIS, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Darlin Diana Portillo-Villanueva, a native and citizen of Honduras, timely petitions us for review of a decision of the Board of Immigration Appeals denying her motion to reconsider the denial of her motion to reopen and rescind her in absentia order of removal.

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

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We review the denial of a motion to reconsider under an abuse-of-discretion standard. *Gonzales-Veliz v. Barr*, 938 F.3d 219, 226 (5th Cir. 2019). Under this standard, Portillo-Villanueva must identify either a “change in the law, a misapplication of the law, or an aspect of the case that the BIA overlooked.” *Zhao v. Gonzales*, 404 F.3d 295, 304 (5th Cir. 2005).

We do not find that the Board should have granted Portillo-Villanueva’s motion. She waived her right to notice by failing to provide the immigration court with her correct address. *Spagnol-Bastos v. Garland*, 19 F.4th 802 (5th Cir. 2021).

We lack jurisdiction to consider Portillo-Villanueva’s argument that the Board should have exercised its sua sponte authority to reconsider her case. *Qorane v. Barr*, 919 F.3d 904, 912-13 (5th Cir. 2019).

DENIED in part, DISMISSED in part.