

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

United States Court of Appeals
Fifth Circuit

FILED

November 3, 2010

Lyle W. Cayce
Clerk

No. 10-60136
Summary Calendar

DORIS VELIZ-CASTRO,

Petitioner

v.

ERIC H. HOLDER, JR., U.S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A096 329 351

Before REAVLEY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Doris Veliz-Castro, a native and citizen of Honduras, petitions for review of the decision of the Board of Immigration Appeals (BIA) dismissing her appeal from the Immigration Judge's (IJ) denial of her motion to reopen her in absentia removal proceedings. She argues that her due process rights were violated because she was not provided with a list of counsel as required by the Immigration and Nationality Act. Because Veliz-Castro did not raise this

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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argument before the IJ or the BIA, this court lacks jurisdiction to consider it. *See Roy v. Ashcroft*, 389 F.3d 132, 137 (5th Cir. 2004).

Veliz-Castro also contends that there is no evidence that she was advised of the consequences of failing to appear before the immigration court. We review the BIA's decision under a "highly deferential abuse-of-discretion standard." *Zhao v. Gonzales*, 404 F.3d 295, 303 (5th Cir. 2005). The BIA's finding that Veliz-Castro failed to provide authorities with a current mailing address and was orally notified in Spanish of the consequences of failing to appear is supported by substantial evidence in the record. *See Chun v. INS*, 40 F.3d 76, 78 (5th Cir. 1994). Veliz-Castro's failure to provide a current address precludes her from obtaining rescission of the in absentia order of removal. *See* 8 U.S.C. § 1229a(b)(5)(C)(ii); *Gomez-Palacios v. Holder*, 560 F.3d 354, 360-61 (5th Cir. 2009). The petition for review is DENIED.