

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

United States Court of Appeals
Fifth Circuit

FILED

September 6, 2012

Lyle W. Cayce
Clerk

No. 12-60045
Summary Calendar

MILTON GONZALEZ,

Petitioner

v.

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

Respondent

Petition for Review of an Order of the
Department of Homeland Security
No. A097 518 589

Before DAVIS, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:*

Having reentered the United States illegally after being removed, Milton Gonzalez petitions for review of the Department of Homeland Security's (DHS) order reinstating its 2005 order removing him to Belize. *See* 8 U.S.C. § 1231(a)(5); 8 C.F.R. § 241.8. Gonzalez challenges the DHS' determination that he failed to show he reasonably feared persecution or torture upon returning to Belize because of his political activities and opinions. Because he failed to show a reasonable fear of either, Gonzalez was ineligible to apply for withholding of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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removal. *Ojeda-Terrazas v. Ashcroft*, 290 F.3d 292, 296 (5th Cir. 2002) (citing 8 C.F.R. §241.8(e)).

Gonzalez contends his due-process right was violated when he was provided inadequate notice of a reasonable-fear review hearing before an immigration judge (IJ). Along that line, aliens have a Fifth Amendment right to due process in reinstatement proceedings. *E.g.*, *Ojeda-Terrazas*, 290 F.3d at 302. Due-process challenges for such proceedings are reviewed *de novo*. *E.g.*, *De Zavala v. Ashcroft*, 385 F.3d 879, 883 (5th Cir. 2004). To prevail, Gonzalez “must make an initial showing of substantial prejudice”. *Id.* (internal quotation marks omitted).

Gonzalez makes no effort to show the results of the proceeding would have differed had he been provided more time in which to prepare for his appearance before the IJ; nor does he state what additional evidence could have been presented in support of his contention that he had a reasonable fear of returning to Belize. *See id.*; *Ojeda-Terrazas*, 290 F.3d at 302. In sum, he has not made the requisite initial substantial-prejudice showing.

DENIED.