

United States Court of Appeals
for the Fifth Circuit

No. 21-60963
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 24, 2022

Lyle W. Cayce
Clerk

GENARO SALAZAR,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A079 011 977

Before JONES, HAYNES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Genaro Salazar, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals's (BIA) denial of his motion to reopen the removal proceedings for which he was present. We review the BIA's denial

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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of a motion to reopen for abuse of discretion. *Ramos-Portillo v. Barr*, 919 F.3d 955, 958 (5th Cir. 2019). Legal conclusions are reviewed de novo. *Id.*

We have expressly rejected Salazar’s first and second arguments on review that a notice to appear without a date and time of the removal hearing deprives the immigration court of jurisdiction or is otherwise defective outside of the in-absentia or stop-time rule context. *See Garcia v. Garland*, 28 F.4th 644, 646-48 (5th Cir. 2022). Thus, his arguments regarding equitable tolling need not be addressed. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”).

Finally, we lack jurisdiction to review Salazar’s third issue on review that the BIA erred in failing to exercise its sua sponte authority to reopen his case. *See Mejia v. Whitaker*, 913 F.3d 482, 490 (5th Cir. 2019).

Accordingly, Salazar’s petition for review is DENIED in part and DISMISSED in part.