

MAR 25 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAUL PARGA-ROSAS,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 05-76592

Agency No. A035-001-589

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 16, 2010\*\*

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Raul Parga-Rosas, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his motion to reopen removal proceedings conducted in

---

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

absentia. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen and review de novo questions of law. *Garcia v. INS*, 222 F.3d 1208, 1209 (9th Cir. 2000) (per curiam). We deny the petition for review.

The agency did not abuse its discretion in denying Parga-Rosas' motion to reopen because the record reflects that notice of the February 3, 2005, hearing was mailed to the address of record of Parga-Rosas' counsel. *See* 8 U.S.C. § 1229(a)(2)(A) (notice may be served by mail on alien or alien's counsel of record); *see also Garcia*, 222 F.3d at 1209 (notice to counsel of record constitutes notice to alien); *Farhoud v. INS*, 122 F.3d 794, 796 (9th Cir. 1997) (actual receipt of notice by alien not required to satisfy due process).

**PETITION FOR REVIEW DENIED.**