

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 10 2020

FOR THE NINTH CIRCUIT

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

ROGELIO REYES RODRIGUEZ,

No. 19-71798

Petitioner,

Agency No. A205-920-648

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted September 8, 2020**

Before: TASHIMA, SILVERMAN, and OWENS, Circuit Judges.

Rogelio Reyes Rodriguez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' (BIA) order denying his motion to reopen and terminate proceedings. We review for abuse of discretion the denial of a motion to reopen, and review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

The BIA did not abuse its discretion in denying the motion, where Reyes Rodriguez’s contention that the immigration judge lacked jurisdiction over his proceedings is foreclosed by *Karingithi v. Whitaker*, 913 F.3d 1158, 1160-62 (9th Cir. 2019) and *Aguilar Fermin v. Barr*, 958 F.3d 887 (9th Cir. 2020) (notice to appear “need not contain time, date, and place information to vest an immigration court with jurisdiction if such information is provided before the hearing”), and we are not persuaded that termination of proceedings is otherwise required.

Reyes Rodriguez asks us to reconsider *Karingithi*, but we are bound by that decision given the absence of any “intervening higher authority” that is “clearly irreconcilable” with it. *Miller v. Gammie*, 335 F.3d 889, 892-93 (9th Cir. 2003) (en banc).

As stated in the court’s September 13, 2019, order, the temporary stay of removal remains in place until issuance of the mandate.

PETITON FOR REVIEW DENIED.