

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 22 2022

FOR THE NINTH CIRCUIT

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

FLORENCIO ZATARAIN OSUNA,

Petitioner,

v.

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

Respondent.

No. 21-2

Agency No. A095-726-659

MEMORANDUM*

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

Submitted July 12, 2022**

Before: SCHROEDER, R. NELSON, and VANDYKE, Circuit Judges.

Florencio Zatarain Osuna, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen and terminate removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA's denial of a motion to reopen, *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010), and the denial of a motion to terminate, *Dominguez v. Barr*, 975 F.3d 725, 734 (9th

* 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).

Cir. 2020). We deny the petition for review.

Zatarain Osuna's contention that the immigration judge lacked jurisdiction over his proceedings is foreclosed by *United States v. Bastide-Hernandez*, No. 19-30006, 2022 WL 2662044, *2, *6 (9th Cir. July 11, 2022) (en banc), where the court held that a lack of hearing information in the notice to appear does not deprive the immigration court of subject matter jurisdiction, and 8 C.F.R. § 1003.14(a) is satisfied when a later notice provides hearing information. *See also Karingithi v. Whitaker*, 913 F.3d 1158, 1160-62 (9th Cir. 2019).

Zatarain Osuna's reliance on *Niz-Chavez v. Garland*, — U.S. —, 141 S. Ct. 1474 (2021), is misplaced as the stop-time rule is not at issue in this case.

The temporary stay of removal remains in place until the mandate issues. The motion for a stay of removal is otherwise denied.

PETITION FOR REVIEW DENIED.