

43 F.4th 447  
United States Court of Appeals, Fifth Circuit.

Moris Esmelis CAMPOS-CHAVES, Petitioner,  
v.  
Merrick GARLAND, U.S. Attorney General,  
Respondent.

No. 20-60262  
|  
FILED August 3, 2022

Petition for Review of an Order of the Board of  
Immigration Appeals Agency No. AXXX XX3 655

#### Attorneys and Law Firms

Raed Gonzalez, Esq., Senior Attorney, Gonzalez Olivieri,  
L.L.C., Houston, TX, for Petitioner.

Andrew Jacob Oliveira, U.S. Department of Justice,  
Office of Immigration Litigation, Washington, DC, Kevin  
James Conway, Esq., U.S. Department of Justice, Civil  
Division, Washington, DC, for Respondent.

Before Southwick, Oldham, and Wilson, Circuit Judges.

#### Opinion

Per Curiam:

Moris Campos-Chaves petitions for review of a final  
order of removal issued by the Board of Immigration  
Appeals, dismissing \*448 his appeal from the decision of  
the immigration judge (“IJ”) to deny his motion to reopen.  
Petitioner is a native and citizen of El Salvador who  
illegally entered the United States on January 24, 2005, at  
Laredo, Texas. On February 10, 2005, the Government  
filed a Notice to Appear (“NTA”) in immigration court

and charged petitioner as removable under 8 U.S.C. §  
1182(a)(6)(A)(i). Petitioner did not appear and was  
ordered removed *in absentia*.

On September 18, 2018, petitioner filed a motion to  
reopen. He principally contended that the IJ lacked  
authority to conduct the removal proceedings because the  
NTA was defective. Petitioner submitted an affidavit in  
which he stated that he received the NTA but that it did  
not contain the date and time of his removal proceedings.  
Now he contends that we should remand the matter to the  
Board for reconsideration of his NTA challenge in light of  
*Rodriguez v. Garland*, 15 F.4th 351 (5th Cir. 2021).

We disagree. In *Rodriguez*, the alien received an undated  
NTA but did not receive a subsequent notice of hearing  
(“NOH”) because he moved. Here, by contrast, petitioner  
received the NTA and does not dispute that he also  
received the subsequent NOH. *See* Red Br. 9 n.3. The fact  
that petitioner received the NOH (or does not dispute  
receiving the NOH) makes *Rodriguez* distinguishable.  
Indeed, we have held that aliens are not entitled to  
*Rodriguez* remands where they failed to provide their  
address to the Department of Homeland Security. *See*  
*Spagnol-Bastos v. Garland*, 19 F.4th 802, 807-08 (5th  
Cir. 2021); *Correa Dos Santos v. Garland*, No. 21-60791  
(June 17, 2022). If an alien forfeits his right to a  
*Rodriguez* remand by not giving the Government a good  
address, then *a fortiori* the alien forfeits his right to a  
*Rodriguez* remand when he in fact receives the NOH (or  
does not dispute receiving it).

The petition for review is DENIED. All pending motions  
are DENIED.

#### All Citations

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