



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

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2200 Southwest Frwy., Suite 550  
Houston, TN 77098**

**DHS/ICE Office of Chief Counsel - HOU  
126 Northpoint Drive, Suite 2020  
Houston, TX 77060**

**Name: PARADA-VILLEGAS, VICTOR M...      A 091-223-049**

**Date of this notice: 9/23/2013**

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Miller, Neil P.  
Holmes, David B.  
Kendall-Clark, Molly

yungc  
Userteam: Docket

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*HS*



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5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

**PARADA-VILLEGAS, VICTOR MANUEL  
A091-223-049  
3400 FM 350 SOUTH  
HOUSTON, TX 77098**

**DHS/ICE Office of Chief Counsel - HOU  
126 Northpoint Drive, Suite 2020  
Houston, TX 77060**

**Name: PARADA-VILLEGAS, VICTOR M...      A 091-223-049**

**Date of this notice: 9/23/2013**

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Miller, Neil P.  
Holmes, David B.  
Kendall-Clark, Molly

yungc  
User team: Docket

Falls Church, Virginia 22041

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File: A091 223 049 – Houston, TX

Date: SEP 23 2013

In re: VICTOR MANUEL PARADA-VILLEGAS a.k.a. Victor Parada

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Raed Gonzalez, Esquire

APPLICATION: Reopening

The respondent has appealed the Immigration Judge's decision dated May 2, 2013, denying his motion to reopen, as well as the Immigration Judge's decision dated May 10, 2013, denying his motion to reconsider. An Immigration Judge had previously ordered the respondent removed on December 19, 2000. We review an Immigration Judge's findings of fact for clear error, but questions of law, discretion, and judgment, and all other issues in appeals, are reviewed de novo. 8 C.F.R. §§ 1003.1(d)(3)(i), (ii). Since the respondent's final hearing, intervening changes in the law have affected his removability as charged. Upon our de novo review, in light of the totality of the circumstances presented in this matter, including intervening case law by the United States Supreme Court and the United States Court of Appeals for the Fifth Circuit, we conclude that reopening and termination of these proceedings is warranted. Accordingly, the following order will be entered.

ORDER: The respondent's appeal is sustained, and these proceedings are reopened and terminated.

  
\_\_\_\_\_  
FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
5520 GREENS ROAD  
HOUSTON, TX 77032

GONZALEZ OLIVIERI LLC.  
GONZALEZ, ESQ., RAED  
2200 SOUTHWEST FWY, #550  
HOUSTON, TX 77098

IN THE MATTER OF  
PARADA-VILLEGAS, VICTOR MANUEL

FILE A 091-223-049

DATE: May 10, 2013

\_\_\_ UNABLE TO FORWARD - NO ADDRESS PROVIDED

X ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO: BOARD OF IMMIGRATION APPEALS  
OFFICE OF THE CLERK  
P.O. BOX 8530  
FALLS CHURCH, VA 22041

\_\_\_ ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B(c)(3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B(c)(3) IN DEPORTATION PROCEEDINGS OR SECTION 240(c)(6), 8 U.S.C. SECTION 1229a(c)(6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

IMMIGRATION COURT  
5520 GREENS ROAD  
HOUSTON, TX 77032

\_\_\_ OTHER: \_\_\_\_\_  
\_\_\_\_\_

  
COURT CLERK  
IMMIGRATION COURT

CC: ASHWORTH, SHERRON  
126 NORTHPOINT DR #2020  
HOUSTON, TX, 77267

FF

U.S. DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
5520 GREENS ROAD  
HOUSTON, TX 77032

In the Matter of:  
PARADA-VILLEGAS, VICTOR MANUEL  
RESPONDENT

Case No.: A091-223-049

Docket: HOUSTON SERVICE PROCESSING CENTER  
IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of RESPONDENT


- ( ☒ ) Motion to Reconsider an Immigration Judge's decision  
(    ) Motion to Reopen proceedings

filed in the above entitled matter, it is hereby ordered that the motion

filed in the above entitled matter, it is HEREBY ORDERED that the motion be  
denied for the reasons indicated in the attached decision.

(    ) Be Granted

( ☒ ) Be Denied for reasons indicated in the attached decision

  
\_\_\_\_\_  
SAUL E. GREENSTEIN  
Immigration Judge  
Date: May 9, 2013

Appeal: NO APPEAL (A/I/B)  
Appeal Due By: Jan 18, 2001

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL ☒ PERSONAL SERVICE ☒  
TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer ☒ Alien's ATT/REP ☒ DHS  
DATE: 5/10/13 BY: COURT STAFF ae  
Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
HOUSTON SERVICE PROCESSING CENTER  
HOUSTON, TEXAS

IN THE MATTER OF ) IN REMOVAL PROCEEDINGS  
Victor Manuel PARADA VILLEGAS, )  
Respondent. )  
\_\_\_\_\_ )

File No. A091-223-049

ON BEHALF OF THE RESPONDENT:  
Raed Gonzalez, Esq.  
2200 Southwest Freeway, Suite 550  
Houston, TX 77098

ON BEHALF OF THE GOVERNMENT:  
D'Anna Freeman, Assistant Chief Counsel  
Department of Homeland Security

MEMORANDUM AND DECISION OF THE IMMIGRATION JUDGE

I. Factual and Procedural History

Respondent is a native and citizen of El Salvador whose status was adjusted to that of a lawful permanent resident on August 2, 1989, under section 245 of the Immigration and Nationality Act (INA or Act). On October 24, 2000, Respondent was convicted in Texas of driving while intoxicated, third offense. He was sentenced to 10 years of confinement, which was then probated. On December 19, 2000, it was ordered by the Court that Respondent be removed from the United States to El Salvador pursuant to section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (INA or Act), for having been convicted of an aggravated felony, as defined under INA § 101(a)(43)(F).

Respondent illegally reentered the United States and is currently being detained by the Department of Homeland Security (DHS).

On April 24, 2013, Respondent filed a motion to reopen, asking that the Court revisit the December 19, 2000 decision based on subsequent changes in law in the United States Court of Appeals for the Fifth Circuit. On April 25, 2013, the DHS filed a response in support of its opposition. On May 2, 2013, the Court denied Respondent's motion to reopen. On May 9, 2013, Respondent filed the present motion to reconsider.

II. Analysis

An alien may file only one motion to reconsider a decision that the alien is removable from the United States, and the motion must be filed within 30 days of the entry of a final administrative order of removal. INA § 240(c)(6)(A), (B); 8 C.F.R. § 1003.23(b)(1). An alien may not file a motion to reconsider a previously denied motion to reconsider. 8 C.F.R. § 1003.23(b)(2).


Given that there are no "errors of fact or law" in the Court's May 2, 2013 decision, Respondent's motion to reconsider will be denied. *See* 8 C.F.R. § 1003.23(b)(2).

Accordingly, the following order shall be issued:

III. Order

IT IS HEREBY ORDERED that Respondent's motion to reconsider is denied.

5/10/13  
Date

  
Saul Greenstein  
Immigration Judge