FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RAYMUNDO MEZA MEDINA, *Petitioner*, v. TODD BLANCHE, Attorney General, *Respondent*.	No. 20-70017; 24-5144 Agency No. A216-051-307 OPINION

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

Submitted November 17, 2025*
Seattle, Washington

Filed September 18, 2026

Before: William A. Fletcher, Richard A. Paez, and Roopali H. Desai, Circuit Judges.

Opinion by Judge Fletcher;
Dissent by Judge Desai.

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

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SUMMARY[**]

Immigration

The panel granted Raymundo Meza Medina's petition for review of a decision of the Board of Immigration Appeals dismissing his appeal from an Immigration Judge's in absentia removal order and denial of a motion to reopen, and dismissed as moot his petition for review of the denial of his later motion to reopen.

The panel held that the government violated Meza Medina's due process rights by ordering him removed in absentia after sending the only notice of his removal hearing to a residential address provided by relatives on a bond form that did not ask for a mailing address. If the government had desired to provide notice reasonably calculated to reach him, it would not have relied on the residential address, nor continued to rely on it after the hearing notice was returned as undeliverable. This was particularly so because Meza Medina wrote in his sworn statement to the agency, "I let the Court know my address to receive notices." Accordingly, the panel concluded that Meza Medina's removal order was improper and his first motion to reopen should have been granted.

The panel rejected the government's arguments regarding notice. First, the government argued that notice was sufficient because it complied with statutory requirements. However, the address used by the government here had not been "provided by the alien," as required by the

[**] This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

regulation the government cited. And, even if the government had complied with that regulation, that would not necessarily foreclose a due process argument. Second, the government argued that Meza Medina was not entitled to notice because he failed to provide the Immigration Court with his correct mailing address. However, that contention was belied by his sworn statement that he provided an address where he received mail.

Finally, the panel concluded that remand was not required for further factfinding on whether the government had practicable alternatives to notify Meza Medina of his hearing. The panel was confident that reasonable steps were available, such as mailing the notice to the address provided by Meza Medina himself or calling him at the telephone number provided on his bond form. The panel thus remanded for proceedings consistent with this opinion.

Dissenting, Judge Desai wrote that the majority's conclusion that Meza Medina gave the government his correct mailing address was unsupported by the record. Rather, the relevant part of his sworn statement, when read in context, made clear that the government only had his residential address (not his mailing address). And, in Judge Desai's view, the government did not violate due process merely by sending notice to the only address it had on hand. Even so, when the government learned that its attempt failed, it had a duty to take practicable steps to give Meza Medina notice. Judge Desai wrote that this was a fact-intensive inquiry requiring remand for the agency to consider in the first instance.

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COUNSEL

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OPINION

W. FLETCHER, Circuit Judge:

After Raymundo Meza Medina did not appear at his scheduled removal hearing, an Immigration Judge ("IJ") ordered him removed in absentia. Meza Medina timely filed a motion to reopen on the ground that he had not received notice of the hearing. The IJ denied the motion. The Board of Immigration Appeals ("BIA") dismissed Meza Medina's appeal from the IJ's removal order and denial of the motion to reopen. In No. 20-70017, Meza Medina petitions for review of that decision. The BIA later denied a second motion to reopen. In No. 24-5144, Meza Medina also petitions for review of that decision. We consolidated both petitions.

The government's sole attempt to inform Meza Medina of his removal hearing was a notice sent to an address provided by a third party on a bond form that asked for an

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address the "Alien to reside at." Meza Medina could not receive mail at the residential address provided by the third party, and the notice was returned to the government as undeliverable. The government made no further attempts to provide notice.

In No. 20-70017, we hold that the government violated the due process guarantee of the Fifth Amendment by ordering Meza Medina removed in absentia after sending notice of his hearing to an address at which he could not receive mail, provided by a third party asked to provide his residential address rather than his mailing address. Meza Medina's removal order was therefore entered in error, and his motion to reopen in No. 20-70017 should have been granted. We dismiss No. 24-5144 as moot.

I. Background

Meza Medina is a native and citizen of Mexico who entered the United States without inspection in 2009. At 4:15 a.m. on September 13, 2017, two Department of Homeland Security ("DHS") officers "initiated static surveillance on a residence believed to be occupied by" Meza Medina. When Meza Medina drove away from his home at 4:40 a.m., the officers followed his car, stopped him, and questioned him about his immigration status. One of the officers observed that Meza Medina "had difficulty speaking English and preferred to speak Spanish." The other officer, who spoke Spanish, informed Meza Medina that he would be placed in removal proceedings. The officers transported him to an Immigration and Customs Enforcement ("ICE") detention center in Tacoma, Washington. Later that day, DHS officials served Meza Medina at the detention center with a Notice to Appear ("NTA"), charging him with removability under 8 U.S.C. § 1182(a)(6)(A)(i). The NTA

ordered Meza Medina to appear before an IJ at a date and time "[t]o be set," and warned that the IJ could order him removed in absentia if he failed to appear. Because Meza Medina was in custody at the ICE detention center when served with the NTA, the NTA correctly listed his current address as the address of the detention center. The NTA stated, in small print, that Meza Medina was "required to provide the DHS, in writing, with [his] full mailing address and telephone number." It also instructed him to use the "Form EOIR-33 whenever [he] change[d his] address or telephone number" during removal proceedings. A Form EOIR-33 is a change-of-address form filed with the Immigration Court. The Form EOIR-33 states, "You will only receive notification as to the time, date, and place of hearing or other official correspondence at the address which you provide."

Thirteen days later, on September 26, while Meza Medina was still in custody, he was given a written form notice of an October 24, 2017, hearing at the detention center. The form again correctly listed his current address as the address of the detention center. The form instructed Meza Medina to complete an attached Form EOIR-33 if his address was not listed on his notice to appear or if it was listed incorrectly. It also stated, "Correspondence from the Court, including hearing notices, will be sent to the most recent address you have provided, and will be considered sufficient notice to you and these proceedings can go on in your absence." The October 24 hearing did not take place because Meza Medina was released from custody before the hearing, and his case was transferred to the Seattle Immigration Court.

On October 20, Meza Medina's brother and sister-in-law appeared at the detention center to post a $20,000 bond to

secure his release from custody. DHS officials directed them to fill out a bond form that asked the obligor to provide information about the person seeking release from custody. Under the heading "Information about alien for whom bond is furnished," the form asked the obligor to provide the person's: "Name; Current Location (i.e., where detained); Date and country of birth; Nationality; [and] Date, port and means of arrival in the United States." Under the same heading, the form asked the obligor to list an address the "Alien to reside at," and a "Telephone number at alien's address." There was no indication on the form that the government would send notices of legal proceedings to the residential address provided by the bond obligor.

Meza Medina's brother paid the bond, and he and his wife completed the bond form. Because they completed the form while Meza Medina was still in custody, they did not—and likely could not—consult him as they did so. They did not know Meza Medina's residential address, so they texted Meza Medina's friend for the address. They listed the address provided by the friend on the line designated "Alien to reside at." It is undisputed that they listed Meza Medina's correct residential address. It is also undisputed that they provided his correct telephone number.

After a bond hearing that appears to have taken place on October 20, Meza Medina was released from the detention center. In a sworn statement provided to the IJ and the BIA, Meza Medina wrote that he had provided his "address to receive notices," and that his brother had paid for his bond. Also on October 20, DHS sent the Executive Office for Immigration Review ("EOIR") a completed ICE Form I-830E, titled "Notice to EOIR: Alien Address." The completed form notified EOIR that Meza Medina was no longer in ICE custody. The form stated that "*the respondent*

reported his/her address and telephone number" (emphasis added), but provided EOIR with the address and telephone number *Meza Medina's relatives* had listed on his bond form. So far as appears from the record, DHS never asked Meza Medina whether the residential address listed by his relatives on the bond form was also his mailing address. Nor did they inform him that notices of legal proceedings would be sent to that address. Indeed, so far as appears from the record, Meza Medina never even saw the bond form.

On January 4, 2018, the Immigration Court mailed a Notice of Hearing to the address listed on Meza Medina's bond form. The notice informed Meza Medina that his removal hearing was scheduled for February 15. The notice was returned to the Immigration Court in an envelope marked, "RETURN TO SENDER, NO MAIL RECEPTACLE, UNABLE TO FORWARD." The delivery failed because Meza Medina lived in an apartment building where he was unable to receive mail. Instead, he received mail in a P.O. Box, a fact unknown to his relatives when they completed the bond form. Even if they had known that Meza Medina was unable to receive mail at his residential address, they likely would not have listed his P.O. Box number on the bond form, given that the form did not ask for his mailing address. Instead, it specifically asked for an address where the "Alien to reside at."

Because he did not receive notice of his removal hearing, Meza Medina missed his scheduled hearing on February 15. Although the immigration authorities did not know it at the time, if Meza Medina had attended the hearing, he would have provided evidence supporting a right to remain in the United States based on his marriage to a United States citizen.

The IJ ordered Meza Medina removed in absentia, signing a pre-prepared form removal order. The order stated, incorrectly, that "[t]he respondent was provided written notification of the time, date and location of the respondent's removal hearing." The Immigration Court mailed the removal order to the address listed on Meza Medina's bond form, the same invalid mailing address to which the hearing notice had been sent.

On February 17, two days after the scheduled hearing, unaware that he had been ordered removed in absentia, Meza Medina called the attorney who had represented him at his bond hearing to inquire about the status of his case. The attorney had represented Meza Medina only at the bond hearing and thus had not received a notice of Meza Medina's removal hearing. After receiving Meza Medina's call, the attorney called the Immigration Court Information System and learned that Meza Medina had missed his February 15 hearing and had been ordered removed in absentia. This was the first time Meza Medina learned that the Immigration Court had scheduled his removal hearing.

On February 28, eleven days after he learned that he had been ordered removed in absentia, and now represented by the attorney who had represented him at his bond hearing, Meza Medina moved in the Immigration Court to reopen his removal proceedings and to rescind his removal order. In his motion, he provided his correct mailing address. In a sworn statement supporting his motion, Meza Medina wrote:

> On the 20th of October of 2017, I was released with a bond from the Northwest Detention Center of Tacoma, Washington. My brother German Meza Medina paid for my bond *and I let the Court know my address to receive*

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> *notices.* Since the day I got released from the detention center I have lived at that address and I have not moved from there. . . . I think that I did not receive anything because my brother did not know that I had a P.O. Box where I receive mail and he did not write this down when he filled out the form for the bond and without the P.O. Box it is possible that I do not receive mail since I live in an apartment and the mail always gets deposited in the P.O. Box. But I have been living in the same place since I was released from the detention center and I have been waiting to receive court notices every day.

(Emphasis added.) The government does not contest the truth of Meza Medina's statement, "I let the Court know my address to receive notices." In a sworn statement supporting the motion, Meza Medina's brother wrote, "My wife wrote down my brother's address but she did not put [the] P.O. Box [number] in which my brother receives his mail because we were not aware that he used a P.O. Box for his mail."

The IJ denied the motion to reopen. Applying the "presumption of delivery" for notice sent by regular mail articulated in *Matter of M-R-A-*, 24 I. & N. Dec. 665 (BIA 2008), the IJ held that Meza Medina had received mailed notice of the hearing. Meza Medina timely appealed to the BIA.

The BIA dismissed Meza Medina's appeal and subsequent motion to reopen. The BIA concluded that the in-absentia removal order was valid because the hearing notice was mailed to Meza Medina's last known address in compliance with statutory notice requirements under the

Immigration and Naturalization Act ("INA"). The BIA held that Meza Medina was not entitled to actual notice under the INA because he had not provided the Immigration Court with his correct mailing address. The BIA's order does not mention Meza Medina's uncontradicted sworn statement in the record, "I let the Court know my address to receive notices."

Meza Medina petitioned this court for review of the BIA's decision dismissing his appeal and denying his motion to reopen. Petition for Review, *Meza Medina v. Blanche*, No. 20-70017 (9th Cir. Jan. 3, 2020). While that petition for review was pending, Meza Medina filed with the BIA a second motion to reopen, arguing that his removal order was invalid because his initial NTA did not include the date or time of his removal hearing. This second motion relied on our decision in *Singh v. Garland*, 24 F.4th 1315 (9th Cir. 2022), *vacated sub nom.*, *Campos-Chaves v. Garland*, 602 U.S. 447, 465 (2024). After the Supreme Court vacated *Singh*, the BIA denied the motion. Meza Medina then petitioned in this court for review of that BIA decision. Petition for Review, *Meza Medina v. Blanche*, No. 24-5144 (9th Cir. Aug. 21, 2024). We consolidated both petitions for review in this court.

II. Standard of Review

We have jurisdiction under 8 U.S.C. § 1252. "Where, as here, the BIA cites [*Matter of Burbano*, 20 I. & N. Dec. 872 (BIA 1994)] and also provides its own review of the evidence and law, we review both the IJ's and the BIA's decisions." *Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022) (quoting *Ali v. Holder*, 637 F.3d 1025, 1028 (9th Cir. 2011)). We review the BIA's denial of a motion to reopen for abuse of discretion. *Suate-Orellana v. Garland*,

101 F.4th 624, 628 (9th Cir. 2024). We review due process challenges de novo. *Benedicto v. Garland*, 12 F.4th 1049, 1058 (9th Cir. 2021).

III. Discussion

The Due Process Clause of the Fifth Amendment prohibits the United States from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. amend. V. The Supreme Court has stated that "[a]n elementary and fundamental requirement of due process" is "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

In determining whether a form of notice satisfies due process, we must consider "the practicalities and peculiarities of the case" and balance "the interest of the State" against "the individual interest sought to be protected" by the Clause. *Id.* at 313–14. Due process does not require the government to do the "impossible or impractical." *Id.* at 314. "But when notice is a person's due, process which is a mere gesture is not due process." *Id.* at 315. Accordingly, "[t]he means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it." *Id.*

The Fifth Amendment's guarantee of procedural due process applies in removal proceedings. *United States v. Rivera-Valdes*, 157 F.4th 978, 983, 987–88 (9th Cir. 2025) (en banc). In removal proceedings, "[n]otice by the Government must be reasonably calculated to apprise noncitizens of the pendency of [the] proceedings and to

afford them the opportunity to be present and to participate." *Id.* at 988–89.

As noted above, the government's sole attempt to inform Meza Medina of his removal hearing was a notice sent to an address his relatives provided on a bond form requesting a residential address rather than a mailing address. The unreliability of the bond form as the source of the bonded person's mailing address is obvious. An obligor who completes the form may well have incomplete or incorrect information about the person. This case is a prime example. Meza Medina's brother and sister-in-law did not know his address and had to ask one of his friends for it; the friend in turn supplied Meza Medina's residential rather than his mailing address. Further, the form does not indicate that the government will use the requested address to send hearing notices. Instead, the form asks the obligor to provide an address where the "Alien to reside at". Thus, even if Meza Medina's relatives or friend had known that he used a P.O. Box to receive mail, the form did not ask for that information.

The unreliability of the bond form as the source of Meza Medina's mailing address was made apparent to the government when the hearing notice was returned as undeliverable. After learning that Meza Medina had not received notice of his removal hearing at the residential (rather than the mailing) address supplied on the bond form, the government made no further attempts to provide notice.

The government's conduct was not reasonably calculated to provide notice to Meza Medina. If the government had truly desired to inform him of his scheduled removal hearing, it would not have relied solely on a residential rather than a mailing address provided by a third

party on a bond form. Further, it would not have continued to rely on that faulty address after notice of the hearing, sent to the address, was returned as undeliverable. *See Jones v. Flowers*, 547 U.S. 220, 229 (2006) ("We do not think that a person who actually desired to inform a real property owner of an impending tax sale of a house he owns would do nothing when a certified letter sent to the owner is returned unclaimed."); *Rivera-Valdes*, 157 F.4th at 991–92 (similar); *Chaidez v. Gonzales*, 486 F.3d 1079, 1081, 1086 n.8 (9th Cir. 2007) (citing *Jones* and suggesting that the government may violate due process when it takes no additional steps after a hearing notice sent to a person in removal proceedings is returned with a receipt indicating that it was received by a third party). This is particularly so where, as here, Meza Medina wrote in a sworn statement that he had provided an address where he received mail.

The government concedes that the sole notice of hearing was sent to the residential address Meza Medina's relatives provided on his bond form. It nonetheless makes two arguments that the notice it provided was constitutionally sufficient. Neither is persuasive.

First, the government argues that notice was sufficient because it complied with statutory requirements under the INA. In making this argument, the government cites 8 C.F.R. § 1003.26(d), which states, "Written notice to the alien shall be considered sufficient if it was provided at the most recent address *provided by the alien*." (Emphasis added.) To state the obvious, the address used by the government had not been "provided by the alien." And even if the government had complied with § 1003.26(d), that would not necessarily foreclose Meza Medina's due process argument. "[C]ompliance with statutory notice requirements does not resolve whether notice is reasonably

calculated under the 'practicalities and peculiarities of [an individual] case.'" *Rivera-Valdes*, 157 F.4th at 989 (quoting *Jones*, 547 U.S. at 230–31). Thus, § 1003.26(d) provides no help to the government.

Second, the government argues that Meza Medina was not entitled to notice because he failed to provide the Immigration Court with his correct mailing address. The government's contention that Meza Medina failed to provide a correct mailing address is belied by the record. As noted above, in a sworn statement attached to his first motion to reopen and presented to both the IJ and BIA, Meza Medina wrote, "I let the Court know my address to receive notices." The government does not argue that this statement is incorrect, and it points to nothing in the record contradicting the statement.

Finally, we conclude that *Rivera-Valdes*, decided after briefing was completed in this case, does not require remand for the BIA to determine whether the government had practicable alternatives to notify Meza Medina of his hearing before ordering him removed in absentia. In *Rivera-Valdes*, an IJ had ordered Rivera-Valdes removed in absentia in 1994 after he failed to appear at his removal hearing. *Id.* at 982–83. Twenty-five years later, in 2019, the government charged Rivera-Valdes with illegal reentry in violation of 8 U.S.C. § 1326(a). *Id.* at 983. Rivera-Valdes argued in the district court that the 1994 in-absentia removal order was invalid because he had not received constitutionally sufficient notice of the hearing. *Id.*

The Immigration Court had mailed the only notice of the hearing to an address nearly identical to the address Rivera-Valdes had provided on his asylum application. *Id.* at 983. The only difference between the address provided by Rivera-

Valdes and the address used by the government was that the government had omitted "Ave." after the street name. *Id.* at 982. The notice was returned to the government with a stamp saying "returned to sender" and "UNCLAIMED." *Id.* We held that Rivera-Valdes was not afforded notice reasonably calculated to reach him and remanded to the district court to determine whether there were "other practicable alternatives through which to attempt notice on Rivera-Valdes," a "quintessential factual inquiry." *Id.* at 989, 991–93.

Unlike *Rivera-Valdes*, remand for further factfinding is not necessary in this case. "It suffices for present purposes that we are confident that additional reasonable steps were available" to the government to provide notice to Meza Medina. *See Jones*, 547 U.S. at 238; *see, e.g.*, *Yi Tu v. Nat'l Transp. Safety Bd.*, 470 F.3d 941, 946 (9th Cir. 2006) (finding a due process violation without remanding to the agency because the record showed practicable alternatives were available). Of course, where the government has no better alternative for reaching the noncitizen, it does not violate due process to attempt notice at an address it has in hand. But that is not the case here. An obvious "reasonable step" would have been to mail the hearing notice to an address provided by Meza Medina himself for the purpose of receiving court notices. The government could also have called Meza Medina at the telephone number provided on his bond form.

IV. Conclusion

We hold that Meza Medina's right to due process was violated when the government ordered him removed in absentia after sending the only notice of his removal hearing to a residential address provided by third parties on a bond

form that did not ask for a mailing address. A government seriously seeking to inform Meza Medina of his scheduled hearing would not send notice to an address obtained by asking the wrong person (a third party) the wrong question (where the "Alien to reside at"). Instead, it would have taken the practicable step of sending the notice to a mailing address provided by Meza Medina himself.

We grant Meza Medina's first petition for review, hold that his removal order was improper, and remand for proceedings consistent with this opinion. Because we grant Meza Medina's first petition for review, we dismiss his second petition for review as moot.

PETITION FOR REVIEW GRANTED AND REMANDED; PETITION FOR REVIEW DISMISSED AS MOOT.

DESAI, Circuit Judge, dissenting:

If I read the record as the majority does, I would largely agree with the majority's opinion. But the opinion turns on a critical fact that, in my view, is unsupported by the record. The majority concludes that the government violated Meza Medina's due process rights by sending his hearing notice to a residential address provided by a third party on a bond form, rather than sending it to the mailing address Meza Medina gave the government. But the IJ and BIA correctly found that Meza Medina never gave the government his mailing address. And I would not hold that the government violated due process by using the only address it had on file.

Even so, the government knew the notice it mailed Meza Medina was not delivered, which triggered an obligation "to take additional reasonable steps to effect notice, if it is practicable to do so." *United States v. Rivera-Valdes*, 157 F.4th 978, 989 (9th Cir. 2025) (en banc). I would thus remand to the agency to determine whether the government "had other practicable alternatives through which to attempt notice." *Id.* at 992. The majority concludes in the first instance that the government had other practicable steps it should have taken to attempt notice. But this is a "quintessential factual inquiry" that we must remand to the agency to consider. *Id.*

I thus respectfully dissent.

I. The majority misstates the record by concluding that Meza Medina gave the government his mailing address.

A noncitizen may seek to rescind an in absentia removal order if he "did not receive notice in accordance with paragraph (1) or (2) of section 1229(a)." 8 U.S.C. § 1229a(b)(5)(C)(ii). Under 8 U.S.C. § 1229(a), a noncitizen is statutorily entitled to written notice of his proceeding only if he provides the government with an address and notifies it of his change of address. *See* 8 U.S.C. §§ 1229(a)(2)(B); 1229(a)(1)(F)(i)–(ii). The IJ and BIA correctly found that Meza Medina never gave the government an updated mailing address.

Nothing in the record suggests that Meza Medina updated his address when he was released from detention. While detained, Meza Medina received multiple forms telling him that he must update the court if he changed his address or phone number. After he was released, Meza Medina did not use the change-of-address Executive Office

for Immigration Review ("EOIR") Form 33, or any other form of notice, to update his mailing address.

The majority inexplicably contends otherwise. It relies on the following paragraph from Meza Medina's declaration:

> My brother German Meza Medina paid for my bond and I let the Court know my address to receive notices. Since the day I got released from the detention center I have lived in that address and I have not moved from there. I have been waiting for the notice of my following court but I never received anything. I think that I did not receive anything because my brother did not know that I had a P.O. Box where I receive mail and he did not write this down when he filled out the form for the bond and without the P.O. Box it is possible that I do not receive mail since I live in an apartment and the mail always gets deposited in the P.O. Box. But I have been living in the same place I was released from the detention center and I have been waiting to receive court notices every day.

The majority plucks out the clause "I let the Court know my address to receive notices" and reads it in isolation. But when read in context, this paragraph makes clear that the government only had Meza Medina's *residential* address (not his mailing address), because he relied on his brother to provide his address on the bond form, but his brother did not know that Meza Medina couldn't receive mail at his

residential address. Nothing in the declaration says that Meza Medina gave the court his correct mailing address.

What's more, the majority's strained reading of the declaration contradicts Meza Medina's own arguments. In his briefs, he described his declaration as "showing how his residential address (which was correctly provided) came to be submitted to the Immigration Court by DHS as his mailing address." He explained that his "brother mistakenly provided only [Meza Medina's] residential address" on the bond form, that Meza Medina did not know about his brother's mistake, and that the bond form was "the first and only time [Meza Medina's] address was provided." He never claims that he gave the government his mailing address or that the government could have mailed his hearing notice to his P.O. Box. To the contrary, he argues that the government should have "ask[ed] for"—and thus did not have—his mailing address. The majority's contrary conclusion strays far from "the principle of party presentation." *United States v. Sineneng-Smith*, 590 U.S. 371, 375–76 (2020) ("Our system is designed around the premise that parties represented by competent counsel know what is best for them, and are responsible for advancing the facts and argument entitling them to relief." (citation modified)).

In short, there is no basis for the majority's contention that Meza Medina gave the government his mailing address. He thus did not have a statutory right to written notice at that address.

II. The majority improperly holds that the government violated due process based on a factual issue the agency must determine in the first instance.

Even though Meza Medina was not entitled to statutory notice of his removal proceedings under section 1229(a), he

was still entitled to constitutionally sufficient notice. *Rivera-Valdes*, 157 F.4th at 989, 991 (a noncitizen is entitled to notice that comports with due process even if he "fail[s] to comply with a statutory obligation to keep his address updated" and even if the government "fulfill[s] its statutory notice obligations" under the INA (citation modified)). To comport with due process, notice of a removal hearing "must be reasonably calculated to apprise noncitizens of the pendency of removal proceedings and to afford them the opportunity to be present and to participate." *Id.* at 988.

Because Meza Medina never gave the government his mailing address, I would not hold that the government violated due process by trying to send notice to his residential address. In fact, when a residential address on a bond form is the only address available to the government, due process should require—not prohibit—the government's attempt to give a petitioner notice at that address. As the majority acknowledges, delivering notice to a residential address on a petitioner's bond form may be reasonably calculated to reach the petitioner if that address is the only address the government has on hand. *See* Op. at 16.

But when "the government learns that its notice efforts have not succeeded, that knowledge triggers an obligation on the government's part to take additional reasonable steps to effect notice, if it is practicable to do so." *Rivera-Valdes*, 157 F.4th at 989 (citation modified). Here, when the notice the government mailed to Meza Medina's residential address was returned as undeliverable, the government needed to take additional steps, if practicable, to deliver the notice. *See id.* at 981–82.

The majority concludes that the government had "obvious" alternatives, including sending the notice to the "mailing address provided by Meza Medina himself." Op. at 16–17. But that conclusion rests on the majority's mistaken view of the facts. And it is unclear on this record whether the government "had other practicable alternatives through which to attempt notice." *See Rivera-Valdes*, 157 F.4th at 992. We should thus remand to the BIA with instructions to remand to the IJ to consider this "quintessential factual inquiry." *See id.*

To be sure, although "it is not our responsibility to prescribe the form of service that the government should adopt," I would outline possible alternatives for the agency to consider on remand. *See, e.g.*, *id.* (citation modified). One alternative approach could be calling Meza Medina or his brother at the phone numbers listed on the bond form to ask where to mail the notice. Other alternatives might include posting notice on the door at Meza Medina's residential address, sliding notice under the door, or sending the notice through first-class or certified mail. There may be other practicable options, but we should "leave it to the parties" on remand "to suggest whether other reasonable alternatives were available." *Id.* at 993.

* * *

The majority's conclusion that Meza Medina gave the government his correct mailing address is belied by the record. And the government did not violate due process merely by sending notice to the only address it had on hand. Even so, when the government learned that its notice attempt failed, it had a duty to take practicable steps to give Meza Medina notice. The majority holds that the government failed to take available practicable steps here, but that is a

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fact-intensive inquiry that I would remand for the agency to consider. I respectfully dissent.