

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 15 2025

FOR THE NINTH CIRCUIT

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

JUAN MARTINEZ-GONZALEZ,

No. 23-530

Petitioner,

Agency No.  
A075-281-301

v.

MEMORANDUM\*

PAMELA BONDI, Attorney General,

Respondent.

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

Submitted May 13, 2025\*\*  
Pasadena, California

Before: OWENS, BENNETT, and H.A. THOMAS, Circuit Judges.

Juan J. Martinez-Gonzalez is a native and citizen of Mexico. He seeks review of the denial of his motion to terminate and the dismissal of his application for an adjustment of status by the Board of Immigration Appeals (“BIA”) and the Immigration Judge (“IJ”) (collectively “the Agency”) and the BIA’s denial of his

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\* 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).

motion to remand his application for an adjustment of status to the IJ. As the parties are familiar with the facts, we do not recount them here. We review de novo the Agency's determination that Martinez-Gonzalez was convicted of an aggravated felony and review for abuse of discretion the denial of his motion to remand. *Cazarez-Gutierrez v. Ashcroft*, 382 F.3d 905, 909 (9th Cir. 2004); *Alcaarez-Rodriguez v. Garland*, 89 F.4th 754, 759 (9th Cir. 2023). We have jurisdiction under 8 U.S.C. § 1252. We deny the petition.

1. Martinez-Gonzalez was convicted of an aggravated felony under 8 U.S.C. § 1324(a)(1)(A)(ii) and conceded the aggravated felony charge before the IJ. Because Martinez-Gonzalez was convicted of an aggravated felony arising under the aggravated felony provision of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101(a)(43)(N), de novo review supports the denial of his motion to terminate. *See United States v. Galindo-Gallegos*, 244 F.3d 728, 734 (9th Cir. 2001), *amended by* 255 F.3d 1154 (9th Cir. 2001). Martinez-Gonzalez's arguments that he only transported people within the United States ignore the plain text of the INA. *See* 8 U.S.C. § 1101(a)(43)(N).

2. The BIA did not abuse its discretion by denying Martinez-Gonzalez's motion to remand his application for an adjustment of status to the IJ. *See Taggar v. Holder*, 736 F.3d 886, 889 (9th Cir. 2013). Martinez-Gonzalez moved to extend the deadline for his application over one month after the court-ordered deadline

without explanation for the delay. The Agency did not abuse its discretion in deeming his application waived. *Id.*

3. The temporary stay of removal remains in place until the mandate issues.

**DENIED.**