

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 15 2025

FOR THE NINTH CIRCUIT

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

KATTIA VANESSA JARQUIN
ZELEDON; YESLING MARITZA
JARQUIN,

Petitioners,

v.

PAMELA BONDI, Attorney General,

Respondent.

No. 24-4763

Agency Nos.
A216-975-177,
A216-975-178

MEMORANDUM*

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

Submitted August 13, 2025**
Portland, Oregon

Before: OWENS and VANDYKE, Circuit Judges, and SEEBORG, Chief District
Judge.***

* 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).

*** The Honorable Richard Seeborg, United States Chief District Judge
for the Northern District of California, sitting by designation.

Kattia Vanessa Jarquin Zeledon and her minor child, Yesling Martiza Jarquin (together, “Petitioners”), natives and citizens of Nicaragua, petition for review of the Board of Immigration Appeals’ (“BIA”) decision dismissing their appeal from the Immigration Judge’s (“IJ”) decision denying their applications for asylum, withholding of removal, and Convention Against Torture (“CAT”) protection. As the parties are familiar with the facts, we do not recount them here. We deny the petition.

1. Petitioners’ challenge to the BIA’s decision is untimely. Section 242 of the Immigration and Nationality Act (“INA”) governs this court’s jurisdiction to review final removal orders issued by the BIA. 8 U.S.C. § 1252. That statute requires a petition for review be filed within thirty days of the final order of removal. *Id.* § 1252(b)(1). The BIA filed its final decision in the instant case on July 3, 2024. Petitioners filed their petition for review by this court on August 5, 2024. Because the petition was due no later than Friday, August 2, 2024, Petitioners did not meet the statutory deadline.

2. Because the petition is untimely, Petitioners’ arguments in support of their challenge are not properly before us, and we therefore must decline to consider them. The Supreme Court’s recent decision in *Riley v. Bondi*, 606 U.S. ___, 145 S. Ct. 2190 (2025), confirms that § 1252(b)(1)’s thirty-day deadline is not jurisdictional, but is instead a mandatory claim-processing rule. *See id.* at 2201–

04; *see also* *Alonso-Juarez v. Garland*, 80 F.4th 1039, 1046–47 (9th Cir. 2023) (same). The government correctly asserts Petitioners failed to comply with the mandatory deadline. Accordingly, despite this court’s jurisdiction over the instant petition, we must decline to consider the merits of Petitioners’ arguments. *See Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023) (“A claim-processing rule may be ‘mandatory’ in the sense that a court must enforce the rule if a party ‘properly raises’ it.” (quoting *Fort Bend Cnty. v. Davis*, 587 U.S. 541, 549 (2019))).

3. Petitioners aver that equitable tolling applies to § 1252(b)(1)’s thirty-day deadline and that such relief is warranted here. However, Petitioners did not raise these arguments until this court ordered supplemental briefing on the effects of *Riley*. Petitioners’ arguments are likely waived and, more importantly, are unsupported by any factual allegations. They did not seek equitable tolling in their initial petition or opening brief and later failed to file a reply brief, even after the government’s answering brief raised the issue of timing. Petitioners’ sole argument for equitable relief from the deadline is a single conclusory statement in their supplemental brief. We need not and do not decide whether § 1252(b)(1) is subject to equitable tolling. Even if equitable tolling is applicable to § 1252(b)(1)’s thirty-day deadline, Petitioners have failed to pursue this argument and are not entitled to such relief here.

4. Further supplemental briefing on the issue of equitable tolling in this case is inappropriate. Petitioners had multiple opportunities to present an argument for such relief, and therefore their request for another chance rings hollow. Petitioners claim the page limit of this court's order for supplemental briefing limited their ability to present a case for tolling. However, Petitioners did not offer even a hint of the factual basis for their arguments. Petitioners should have explained, even in a few words, how further briefing could support their entitlement to equitable relief. They did not do so. Therefore, Petitioners' request for further supplemental briefing on the issue is denied.

5. 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.