

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 12 2026

FOR THE NINTH CIRCUIT

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

OSCAR CARRILLO-VELASQUEZ,

Petitioner,

v.

PAMELA BONDI, Attorney General,

Respondent.

No. 25-353

Agency No.  
A205-528-280

MEMORANDUM\*

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

Submitted February 10, 2026\*\*  
Pasadena, California

Before: SCHROEDER, WARDLAW, and BADE, Circuit Judges.

Oscar Carrillo-Velasquez (Carrillo), a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' (BIA) denial of his second motion to reopen his immigration proceedings. We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

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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).

Generally, an applicant may file only one motion to reopen removal proceedings and must do so “within 90 days of the date of entry of a final administrative order of removal.” 8 U.S.C. § 1229a(c)(7)(A), (C)(i); 8 C.F.R. § 1003.2(c)(2). The BIA denied Carrillo’s second motion to reopen as untimely, number-barred, and not subject to equitable tolling. Carrillo does not challenge these determinations in his opening brief and has thus forfeited any argument on the BIA’s dispositive rulings. *See Alcaraz v. INS*, 384 F.3d 1150, 1161 (9th Cir. 2004) (“We ‘will not ordinarily consider matters on appeal that are not specifically and distinctly argued in appellant’s opening brief.’” (quoting *Koerner v. Grigas*, 328 F.3d 1039, 1048 (9th Cir. 2003))).

We decline to consider Carrillo’s argument that his removal proceedings were improperly commenced due to alleged defects in his notice to appear. The BIA addressed this argument in a prior order denying Carrillo’s first motion to reopen and declined to revisit the issue in the decision currently under review.<sup>1</sup> Accordingly, Carrillo’s challenge to the BIA’s prior decision is not properly before this court, and his petition for review is not timely as to that decision. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

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<sup>1</sup> To the extent that Carrillo challenges the BIA’s decision not to revisit its prior ruling related to the notice to appear, he fails to show that the BIA erred.

**PETITION DENIED.<sup>2</sup>**

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<sup>2</sup> The temporary stay of removal remains in place until the mandate issues. The motion for a stay of removal, Dkt. 11, is otherwise denied.