FILED

UNITED STATES COURT OF APPEALS

FEB 18 2026

FOR THE NINTH CIRCUIT

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

MARTHA PATRICIA FLORES-TRUEVA, Petitioner, v. PAMELA BONDI, Attorney General, Respondent.	No. 25-1874 Agency No. A206-470-075 MEMORANDUM*

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

Submitted February 4, 2026**
Phoenix, Arizona

Before: BERZON, CALLAHAN, and FRIEDLAND, Circuit Judges.

Martha Patricia Flores-Trueva, a native and citizen of Mexico, petitions for

review of a decision by the Board of Immigration Appeals ("BIA") denying her

motion to reconsider. We review the denial of a motion to reconsider for abuse of

discretion. *See Suate-Orellana v. Garland*, 101 F.4th 624, 628 (9th Cir. 2024).

---

*   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 BIA abuses its discretion when it acts arbitrarily, irrationally, or contrary to the law, and when it fails to provide a reasoned explanation for its actions." *Tadevosyan v. Holder*, 743 F.3d 1250, 1252–53 (9th Cir. 2014) (citation modified). We deny the petition.

1.   A motion to reconsider must specify "errors of law or fact in the previous [BIA] order and shall be supported by pertinent authority." 8 U.S.C. § 1229a(c)(6)(C); *see also* 8 C.F.R. § 1003.2(b)(1).

In the underlying removal order, the Immigration Judge ("IJ") observed that Flores-Trueva's children were in good health. According to Flores-Trueva's testimony, the children would remain in the United States with Flores-Trueva's husband if she was removed. The IJ concluded that any disruption to the children posed by Flores-Trueva's removal would not rise to the level of an "exceptional and extremely unusual" hardship, as required to obtain cancellation of removal. 8 U.S.C. § 1229b(b)(1)(D). Flores-Trueva's motion to reconsider did not identify any errors in the agency's decision with respect to the merits of her cancellation of removal claim.

In ruling on the motion to reconsider, the BIA held, as an alternative to its ruling upholding the summary dismissal for failure to file an appeal brief, that Flores-Trueva did not "specifically point out on appeal why the Immigration Judge erred in concluding that the facts of this case did not support a finding that [Flores-

Trueva's] qualifying relatives would experience the requisite hardship given current precedent." Flores-Trueva had appended a copy of her appeal brief to her motion to reconsider, and, as the quotation above indicates, the BIA considered the arguments made in that brief in denying the motion to reconsider. In her petition for review, Flores-Trueva does not contest the BIA's reasoning as to her failure to satisfy the "exceptional and extremely unusual" hardship standard. She has therefore forfeited any arguments as to those issues. *See Hernandez v. Garland*, 47 F.4th 908, 916 (9th Cir. 2022) (as amended) (holding that issues not "specifically and distinctly" raised in an opening brief are forfeited). Because that merits ruling by the BIA on the motion to reconsider was a sufficient basis for denying the motion, we do not address the other grounds raised in and decided on the motion to reconsider.

2.   The BIA did not violate Flores-Trueva's due process rights by denying her motion to reconsider. "[T]o prevail on a due process challenge to deportation proceedings, the petitioner must show both error and substantial prejudice." *Hussain v. Rosen*, 985 F.3d 634, 645 (9th Cir. 2021) (citation modified). Flores-Trueva has not identified any error made by the BIA regarding whether she is entitled to reconsideration, and so she cannot show that the BIA's summary dismissal of her appeal under 8 C.F.R. § 1003.1(d)(2)(i)(A) or (E) violated her due process rights.

PETITION DENIED.[1]

---

[1] The temporary administrative stay of removal is lifted and the motion to stay removal, Docket No. 2, is denied.