

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 4 2026

FOR THE NINTH CIRCUIT

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

FRANCISCO JAVIER RODRIGUEZ
BARRAGAN,

Petitioner,

v.

TODD BLANCHE, Acting Attorney
General,

Respondent.

No. 25-7914

Agency No.
A075-752-505

MEMORANDUM*

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

Submitted July 29, 2026**

Before: McKEOWN, TALLMAN, and MENDOZA, JR., Circuit Judges.

Francisco Javier Rodriguez Barragan, a native and citizen of Mexico,
petitions for review of the Board of Immigration Appeals (“BIA”) order denying
his motion to reopen removal proceedings. Our jurisdiction is governed by 8

* 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).

U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We review de novo questions of law and constitutional claims. *Id.* at 791-92. We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Rodriguez Barragan’s motion to reopen as untimely where it was filed 19 years after the final removal order, and he did not show that any statutory or regulatory exception applies. *See* 8 U.S.C. § 1229a(c)(7)(C)(i) (motion to reopen must be filed within ninety days of the final removal order); 8 C.F.R. § 1003.2(c)(3) (listing exceptions).

Rodriguez Barragan’s claim that the BIA violated due process by failing to consider evidence fails because he has not shown error. *See Padilla-Martinez v. Holder*, 770 F.3d 825, 830 (9th Cir. 2014) (“To prevail on a due-process claim, a petitioner must demonstrate both a violation of rights and prejudice.”).

As to sua sponte reopening, we have jurisdiction to review this discretionary determination only for legal or constitutional error. *See Lona v. Barr*, 958 F.3d 1225, 1227 (9th Cir. 2020). We find no legal or constitutional error underlying the BIA’s decision.

The motion to stay removal is denied as moot.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.