

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 20 2026

FOR THE NINTH CIRCUIT

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

FELIPE ANTONIO VALDEZ-GARCIA,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 23-657

Agency No.
A206-237-103

MEMORANDUM*

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

Submitted July 9, 2026**
Portland, Oregon

Before: GRABER, CLIFTON, and SUNG, Circuit Judges.

Petitioner Felipe Antonio Valdez-Garcia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' (BIA) order dismissing his appeal from an immigration judge's (IJ) decision denying his application for cancellation of removal under 8 U.S.C. § 1229b(b)(1). Where, as here, the BIA

* 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).

affirms the decision of the IJ without opinion pursuant to 8 C.F.R. § 1003.1(e)(4), we review the IJ’s decision as the final agency determination.¹ *See Singh v. Holder*, 638 F.3d 1264, 1268 (9th Cir. 2011). We review for substantial evidence whether the IJ “erred in applying the exceptional and extremely unusual hardship standard to a given set of facts.” *Gonzalez-Juarez v. Bondi*, 137 F.4th 996, 1003 (9th Cir. 2025). We have jurisdiction pursuant to 8 U.S.C. § 1252(a)(1), and we deny the petition.

To be eligible for cancellation of removal and adjustment to lawful permanent resident status, a noncitizen must show that removal would result in “exceptional and extremely unusual hardship” to a family member who is a United States citizen or permanent resident. 8 U.S.C. § 1229b(b)(1)(D). This standard requires that the agency “compare the hardship in a given case to the hardship that results in the usual, ordinary course when an alien is removed” and find that it would “deviate, in the extreme, from the norm.” *Gonzalez-Juarez*, 137 F.4th at 1006.

Substantial evidence supported the IJ’s determination that Valdez-Garcia did not show that his removal would cause exceptional and extremely unusual hardship

¹ Contrary to Petitioner’s contention, the BIA’s choice to affirm the IJ’s decision without issuing an opinion does not violate agency regulations or due process. *See* 8 C.F.R. § 1003.1(e)(4); *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 850–51 (9th Cir. 2003).

to his only qualifying relative, his son. The IJ considered the son's behavioral and emotional issues stemming from separation anxiety, as well as the difficulty that Valdez-Garcia's wife would face providing for their son financially. The IJ acknowledged that the son has had problems in school but correctly noted that the record does not reflect that the son received an individual education plan or testing for learning difficulties. The record also supported the IJ's observations that Valdez-Garcia's wife was employed in a full-time job and that her family members lived in close proximity and assisted her with childcare.

Our precedents reinforce the IJ's conclusion that these factors did not amount to an exceptional and extremely unusual hardship. *See, e.g., Cabrera-Alvarez v. Gonzales*, 423 F.3d 1006, 1013 (9th Cir. 2005) (explaining that the emotional suffering resulting from the separation of parents from children is "sadly common" in the removal context and does not satisfy the exceptional and extremely unusual standard); *Gonzalez-Juarez*, 137 F.4th at 1008 (noting that the petitioner's financial concerns did not create hardship substantially different from that normally encountered in the course of removal).

Because substantial evidence supported the agency's determination that Valdez-Garcia failed to demonstrate that his qualifying relative would experience exceptional and extremely unusual hardship as a result of his removal, the agency did not err in denying his application for cancellation of removal.

PETITION DENIED.