

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 27 2026

FOR THE NINTH CIRCUIT

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

JOSE ALBERTO GONZALEZ-BASTIDA,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-5215

Agency No.
A205-403-660

MEMORANDUM*

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

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Jose Alberto Gonzalez-Bastida, 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 decision denying his application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence whether the agency erred in applying the exceptional and

* 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).

extremely unusual hardship standard to a given set of facts. *Gonzalez-Juarez v. Bondi*, 137 F.4th 996, 1003 (9th Cir. 2025). We review de novo questions of law and constitutional claims. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency’s determination that Gonzalez-Bastida has not shown exceptional and extremely unusual hardship to his younger child. *See Gonzalez-Juarez*, 137 F.4th at 1006 (petitioner must show hardship “substantially beyond the ordinary hardship that would be expected when a close family member leaves the country” (citation and internal quotation marks omitted)).

The BIA did not err in determining that Gonzalez-Bastida’s older child was no longer a qualifying relative. *See* 8 U.S.C. § 1229b(b)(1)(D); *Mendez-Garcia v. Lynch*, 840 F.3d 655, 663-64 (9th Cir. 2016).

We reject as unsupported by the record Gonzalez-Bastida’s contention that the agency conducted an inadequate hardship analysis.

To the extent that Gonzalez-Bastida challenges the agency’s factual findings, we lack jurisdiction to review these determinations. *See Lemus-Escobar v. Bondi*, 158 F.4th 944, 954 (9th Cir. 2025).

Gonzalez-Bastida’s assertion that the agency violated due process 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.”).

The motion to stay removal is denied as moot.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.