

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 24 2026

FOR THE NINTH CIRCUIT

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

MILTON ANTONIO GUERRA-
MORALES,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 15-73600

Agency No.
A099-479-140

MEMORANDUM*

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

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

Milton Antonio Guerra-Morales, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen 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).

review de novo constitutional claims. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying Guerra-Morales' motion to reopen as untimely, where it was filed more than three years after the final removal order, *see* 8 U.S.C. § 1229a(c)(7)(C)(i) (motion to reopen must be filed within ninety days of the final removal order), and Guerra-Morales did not show changed country conditions in El Salvador to qualify for an exception to the filing deadline, *see* 8 U.S.C. § 1229a(c)(7)(C)(ii); *Toufighi v. Mukasey*, 538 F.3d 988, 996-97 (9th Cir. 2008) (movant must produce material evidence that conditions in country of nationality had changed).

Guerra-Morales' claims that the BIA violated due process fail 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.").

Guerra-Morales does not challenge the BIA's determinations regarding his request to reconsider the BIA's prior decision or his claims as to his U.S. citizen child, so we do not address these issues. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013).

Guerra-Morales' contentions that he qualifies for protection under the Convention Against Torture are not properly before the court because he did not

raise them before the BIA in the motion to reopen. *See* 8 U.S.C. § 1252(d)(1) (administrative remedies must be exhausted); *see also* *Suate-Orellana v. Garland*, 101 F.4th 624, 629 (9th Cir. 2024) (the exhaustion requirement is not jurisdictional, but must be enforced if properly raised by a party).

PETITION FOR REVIEW DENIED.