

NOT FOR PUBLICATION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

VIRGINIA CERRO DE GONZAL OJEDA,
AKA Virginia Cerro Gonzales de Ojeda; et
al.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 16-73971

Agency Nos.
A098-263-503
A098-371-065

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.

Virginia Cerro Gonzales de Ojeda and her adult son, natives and citizens of Peru, petition for review of the Board of Immigration Appeals’ (“BIA”) order denying their 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.

* 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).

Mohammed v. Gonzales, 400 F.3d 785, 791 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to reopen as untimely, where it was filed over 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 petitioners did not show changed country conditions in Peru to qualify for an exception to the filing deadline, *see* 8 U.S.C. § 1229a(c)(7)(C)(ii); *Najmabadi v. Holder*, 597 F.3d 983, 987-90 (9th Cir. 2010) (evidence must be "qualitatively different" to warrant reopening).

We do not address petitioners' contentions as to the cognizability of their particular social group because the BIA did not deny the motion to reopen on that ground. *See Santiago-Rodriguez v. Holder*, 657 F.3d 820, 829 (9th Cir. 2011) ("In reviewing the decision of the BIA, we consider only the grounds relied upon by that agency." (citation and internal quotation marks omitted)).

Petitioners do not challenge the BIA's denial of sua sponte reopening, so we do not address it. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013).

PETITION FOR REVIEW DENIED.