

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

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

JUAN ANTONIO PEREZ-GARCIA,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 24-1092

Agency No.
A215-881-702

MEMORANDUM*

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

Argued and Submitted September 17, 2025*
Phoenix, Arizona

Before: COLLINS, MENDOZA, and DESAI, Circuit Judges.

Juan Antonio Perez-Garcia, a native and citizen of Mexico, petitions for review of a Board of Immigration Appeals (“BIA”) decision upholding the Immigration Judge’s (“IJ”) denial of his application for cancellation of removal and declining to reinstate voluntary departure. We have jurisdiction over Perez-Garcia’s challenge to the denial of cancellation of removal under 8 U.S.C. § 1252. *Wilkinson*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

v. Garland, 601 U.S. 209, 212 (2024). We deny the petition in part.¹

We review the agency’s hardship determination for substantial evidence. *Gonzalez-Juarez v. Bondi*, 137 F.4th 996, 1003 (9th Cir. 2025). In other words, we may not “reweigh the evidence,” *Singh v. I.N.S.*, 134 F.3d 962, 969 n.14 (9th Cir. 1998), and “must uphold the agency determination unless the evidence compels a contrary conclusion.” *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019).

The evidence does not compel the conclusion that Perez-Garcia’s son would experience “exceptional and extremely unusual hardship” upon Perez-Garcia’s removal. *See Gonzalez-Juarez*, 137 F.4th at 1006. Perez-Garcia contends that his son needs moral and emotional support because his mother suffers from depression and his son was bullied at school.² But the BIA weighed these alleged hardships “against other ameliorating circumstances.” *Id.* at 1008. For example, the BIA considered the mother’s mental health struggles but found that she started taking medication and was not incapacitated by her condition. The BIA also found that, while the bullying was concerning, Perez-Garcia failed to show that his son was

¹ In a separately filed opinion, a majority of the panel grants the petition as to voluntary departure.

² Perez-Garcia does not meaningfully challenge the agency’s determination regarding financial hardship and thus the issue is forfeited. *See Hernandez v. Garland*, 47 F.4th 908, 916 (9th Cir. 2022); *Martinez-Serrano v. I.N.S.*, 94 F.3d 1256, 1259–60 (9th Cir. 1996).

currently being bullied or had any related mental health issues. Furthermore, Perez-Garcia's son was in overall good health and did reasonably well in school. And to the extent that his son may experience some emotional hardship from Perez-Garcia's removal, such hardship is "sadly common in the removal context" and "does not satisfy the exceptional and extremely unusual standard." *Id.* at 1007 (citation modified). We thus deny the petition as to cancellation of removal.

DENIED in part.