

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 25 2026

FOR THE NINTH CIRCUIT

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

OLISAR NEPTALY DIAZ,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-5957

Agency No.
A216-429-303

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.

Olisar Neptaly Diaz, a native and citizen of Guatemala, petitions pro se 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

* 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).

substantial evidence whether the agency 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 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 Neptaly Diaz has not shown exceptional and extremely unusual hardship to qualifying relatives. *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)). We reject as unsupported by the record Neptaly Diaz’s contentions that the agency erred by using the wrong legal standard and by failing to consider hardship evidence.

To the extent Neptaly Diaz challenges the agency’s determinations regarding the severity of his qualifying relatives’ medical conditions and their financial situation, we lack jurisdiction to consider these factual determinations. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Wilkinson v. Garland*, 601 U.S. 209, 222, 225 (2024) (when cancellation of removal is denied, federal courts have jurisdiction to review constitutional claims and questions of law, but not factual determinations).

Neptaly Diaz’s claim that the agency violated due process by speculating

regarding his daughter's medical condition 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.”).

Neptaly Diaz does not challenge the BIA's denial of administrative closure, remand, or a continuance, so we do not address it. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013).

The motion to stay removal is denied as moot.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.