NOT FOR PUBLICATION

FILED

OCT 28 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROSA HERLINDA RUIZ-MENENDEZ, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 17-71978 Agency No. A072-992-171 MEMORANDUM*

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

Submitted October 27, 2026**

Before: SILVERMAN, FORREST, and VANDYKE, Circuit Judges.

Rosa Herlinda Ruiz-Menendez, a native and citizen of Guatemala, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen removal proceedings. Our jurisdiction is governed by 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 in part and dismiss in part the petition for review.

Ruiz-Menendez does not challenge the BIA's determination that she failed to demonstrate prima facie eligibility for relief, so we do not address it. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013).

In light of this disposition, we need not reach Ruiz-Menendez's contentions regarding materially changed country conditions in Guatemala. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) (courts and agencies are not required to decide issues unnecessary to the results they reach).

Ruiz-Menendez's contentions regarding her fear of her sister's husband in Guatemala and her family-based visa petition are not properly before the court because she did not raise them before the BIA. *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).

We do not consider the materials Ruiz-Menendez references in the opening brief that are not part of the administrative record. *See Fisher v. INS*, 79 F.3d 955, 963-64 (9th Cir. 1996) (en banc).

As to sua sponte reopening, we have jurisdiction to review this discretionary determination only for legal or constitutional error. *See Lona v. Barr*, 958 F.3d

1225, 1227 (9th Cir. 2020). We find no legal or constitutional error underlying the BIA's decision.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.