NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AMALIA TIANGUISTENGO-OTERO, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 19-71484 Agency No. A200-602-998 MEMORANDUM[*]

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

Submitted October 26, 2026[**]
Phoenix, Arizona

Before: GRABER, HURWITZ, and BADE, Circuit Judges.

Petitioner Amalia Tianguistengo-Otero, a native and citizen of Mexico, entered the United States in 1995 without being admitted. Removal proceedings began in 2010. In January of 2018, an immigration judge ("IJ") denied Petitioner's application for cancellation of removal. In March of 2018, Petitioner moved to

[*] 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).

reopen proceedings to apply for asylum and withholding of removal. An IJ denied the motion to reopen and, in 2019, the Board of Immigration Appeals ("BIA") dismissed Petitioner's appeal and denied her motion to terminate. Petitioner seeks review only of the denial of her motion to reopen. We have jurisdiction under 8 U.S.C. § 1252(a). We review the denial of a motion to reopen for abuse of discretion, Reyes-Corado v. Garland, 76 F.4th 1256, 1259 (9th Cir. 2023), and we deny the petition.

1. The BIA permissibly ruled that some of Petitioner's evidence was not new and could have been presented at the hearing in 2018. See Iturribarria v. INS, 321 F.3d 889, 895 (9th Cir. 2003) ("A motion to reopen may only be granted upon a proffer of material evidence that was not available and could not have been discovered or presented at the former hearing." (cleaned up)); 8 C.F.R. § 1003.2(c)(1); see also 8 U.S.C. § 1229a(c)(7)(B). Her cousin was robbed and murdered in 2015, and the domestic violence that Petitioner suffered also appears to have occurred before the merits hearing. As to her ex-husband's presence in the town where she would expect to locate if removed, the BIA permissibly concluded that Petitioner presented no evidence reflecting that her fear is based on new facts discovered after the merits hearing.

2. The BIA also permissibly ruled that the facts that were new did not demonstrate a reasonable likelihood of success on the merits of the asylum and

withholding claims. See Kaur v. Garland, 2 F.4th 823, 833 (9th Cir. 2021) (holding that, to prevail on a motion to reopen, the petitioner must demonstrate that the new evidence "reveals a reasonable likelihood that the statutory requirements for relief have been satisfied" (citation omitted)). After the merits hearing, two of Petitioner's cousins were shot and wounded. Petitioner argues that she fears future persecution based on her membership in her family. See 8 U.S.C. §§ 1158(b)(1)(B)(i), 1101(a)(42)(A) (providing that an asylum applicant may establish a well-founded fear of persecution on account of their membership in a particular social group); id. § 1231(b)(3)(A) (providing that removal generally must be withheld if the non-citizen's life or freedom would be threatened because of membership in a particular social group); see also Rios v. Lynch, 807 F.3d 1123, 1128 (9th Cir. 2015) (holding that family is "the quintessential particular social group"). But the BIA permissibly concluded that the evidence failed to explain the circumstances of the shooting and thus did not show a reasonable likelihood that Petitioner could establish that she might be a target of future persecution based on her membership in her family. See 8 U.S.C. § 1158(b)(1)(B)(i) (describing burden of proof for an asylum claim); Maini v. INS, 212 F.3d 1167, 1174 (9th Cir. 2000) (holding that "[t]he persecuting group's motive . . . is crucial to a determination of whether a petitioner is entitled to asylum"); Garcia v. Wilkinson, 988 F.3d 1136, 1146 (9th Cir. 2021) (holding that an applicant for withholding of removal "must

show a clear probability of persecution because of a protected ground" (cleaned up)). Because the BIA did not "act[] arbitrarily, irrationally, or contrary to law," we do not disturb its ruling. See Reyes-Corado, 76 F.4th at 1259 (citation omitted).

3. In addition, Petitioner argues that she was denied her right to due process because the BIA failed to consider all the evidence presented in the motion to reopen and failed to explain the decision adequately. We review due process claims de novo, Zetino v. Holder, 622 F.3d 1007, 1011–12 (9th Cir. 2010), and are unpersuaded by Petitioner's arguments.

"[T]his court generally presumes that the BIA thoroughly considers all relevant evidence in the record." Szonyi v. Barr, 942 F.3d 874, 897 (9th Cir. 2019). Nothing in the record supports the conclusion that the BIA did not consider all the evidence before it.

Finally, the BIA sufficiently explained its decision to allow for meaningful judicial review. See Lemus-Escobar v. Bondi, 158 F.4th 944, 952 (9th Cir. 2025) (noting that the BIA abuses its discretion if it fails to provide a reasoned explanation for denial of reopening). The BIA gave more than a cursory response explaining why Petitioner's new evidence of assaults on her family members did not merit a reopening. It also permissibly concluded that Petitioner's evidence of hardship to her children was not new because it could have been presented at the merits hearing. See Iturribarria, 321 F.3d at 895.

PETITION DENIED.