NOT FOR PUBLICATION

FILED

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ONOFRE OCHOA RUIZ, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-3334 Agency No. A096-382-786 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.

Onofre Ochoa Ruiz, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

[*] 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).

We lack jurisdiction to review the BIA's determination that Ochoa Ruiz failed to demonstrate that he merits adjustment of status on discretionary grounds. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Patel v. Garland*, 596 U.S. 328, 338-40 (2022) (when the agency denies a form of relief listed in 8 U.S.C. § 1252(a)(2)(B)(i), federal courts have jurisdiction to review constitutional claims and questions of law, but not factual findings or discretionary decisions); *see also Figueroa Ochoa v. Garland*, 91 F.4th 1289, 1294-95 (9th Cir. 2024) (*Patel* applies to motions to reopen to seek adjustment of status). The petition does not raise a colorable legal or constitutional claim the court can review. *See* 8 U.S.C. § 1252(a)(2)(D); *Bazua-Cota v. Gonzale*s, 466 F.3d 747, 748-49 (9th Cir. 2006).

We do not address Ochoa Ruiz's contentions as to his statutory eligibility for adjustment of status because the BIA did not deny the motion to reopen on this 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)).

Ochoa Ruiz does not challenge the BIA's determination as to prosecutorial discretion or its discretionary denial of sua sponte reopening, so we do not address these issues. *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 DISMISSED.