NOT FOR PUBLICATION

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARILYN IDALIA QUELE-MENDEZ; et al., Petitioners, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-7177 Agency Nos. A215-947-690 A215-947-689 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.

Marilyn Idalia Quele-Mendez and her daughter, natives and citizens of El Salvador, petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen and reissue its February 7, 2025, decision. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of

[*] 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).

a motion to reopen and reissue. *Hernandez-Velasquez v. Holder*, 611 F.3d 1073, 1077 (9th Cir. 2010). We deny the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to reopen and reissue as number-barred and untimely, where it was filed over four months after the final removal order, *see* 8 U.S.C. § 1229a(c)(7)(A) (only one motion to reopen allowed), (c)(7)(C)(i) (motion to reopen must be filed within ninety days of the final removal order); *see also Coyt v. Holder*, 593 F.3d 902, 904 n.1 (9th Cir. 2010) ("A motion to reissue is treated as a motion to reopen." (internal question marks and citations omitted)), and where the BIA fulfilled its duty of service of the February 7, 2025, decision, *see Singh v. Gonzale*s, 494 F.3d 1170, 1172 (9th Cir. 2007) ("If the decision was properly mailed, then the BIA fulfilled its statutory duty of service.").

To the extent petitioners seek review of the BIA's February 7, 2025, decision, the petition is untimely because it was filed more than 30 days after that decision. *See* 8 U.S.C. § 1252(b)(1) ("The petition for review must be filed not later than 30 days after the date of the final order of removal."); *see also Riley v. Bondi*, 606 U.S. 259, 276-77 (2025) (the 30-day filing rule is mandatory though not jurisdictional).

Petitioners do not challenge the BIA's determination that they failed to establish equitable tolling, or its decision not to reopen and reissue sua sponte, 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 DENIED.