NOT FOR PUBLICATION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

LUIS ENRIQUE APARICIO-AVENDANO, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 24-7628 Agency No. A207-782-817 MEMORANDUM[*]

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

Submitted October 28, 2026[**]
Phoenix, Arizona

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

Luis Enrique Aparicio-Avendano, a native and citizen of Mexico, petitions for review of a decision of the Board of Immigration Appeals (BIA) dismissing his appeal from an order of an Immigration Judge (IJ) denying cancellation 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).

removal. We have jurisdiction under 8 U.S.C. § 1252(a), except as noted below. "Where the BIA conducts its own review of the evidence and law, . . . our review is limited to the BIA's decision, except to the extent the IJ's opinion is expressly adopted." *Guerra v. Barr*, 974 F.3d 909, 911 (9th Cir. 2020) (citation omitted). We deny in part and dismiss in part the petition.

1. We lack jurisdiction to review the agency's factual findings underlying its decision denying cancellation of removal. 8 U.S.C. § 1252(a)(2)(B)(i); *Wilkinson v. Garland*, 601 U.S. 209, 219 (2024). Therefore, we do not consider whether, for example, the agency correctly found that Aparicio-Avendano's wife would "be able to receive medical care for her conditions."

2. The agency's determination that Aparicio-Avendano's wife would not experience "exceptional and extremely unusual hardship" upon his removal is supported by substantial evidence. *Gonzalez-Juarez v. Bondi*, 137 F.4th 996, 1002–03 (9th Cir. 2025). The BIA acknowledged and considered the medical conditions from which Aparicio-Avendano's wife suffers, including scoliosis, a pinched nerve, and chronic migraines. It also considered the financial impact that Aparicio-Avendano's removal would have on his wife. The BIA also observed that Aparicio-Avendano's wife has a full-time job, could obtain health insurance and seek medical treatment, and could seek federal benefits to support herself financially. A reasonable adjudicator considering this evidence would not be

"compelled to conclude to the contrary." 8 U.S.C. § 1252(b)(4)(B). Aparicio-Avendano has demonstrated only a level of hardship that is "'sadly common' in the removal context." *Gonzalez-Juarez*, 137 F.4th at 1007 (quoting *Cabrera-Alvarez v. Gonzales*, 423 F.3d 1006, 1013 (9th Cir. 2005)).

3. Finally, we reject Aparicio-Avendano's legal argument that the BIA "did not consider all [relevant] factors," because the record is to the contrary.

PETITION DENIED IN PART AND DISMISSED IN PART.[1]

[1] The temporary stay of removal entered pursuant to General Order 6.4(c), to which the government filed a notice of non-opposition, will dissolve upon issuance of the mandate. Judge Bade would deny the motion for a stay of removal and dissolve the temporary administrative stay, effective immediately.