NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

YUVINI SANTIAGO CHAMORRO-RODRIGUEZ, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	Nos. 23-587; 24-366 Agency No. A206-105-483 MEMORANDUM[*]

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

Submitted October 29, 2026[**]
Phoenix, Arizona

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

Yuvini Santiago Chamorro-Rodriguez, a native and citizen of Guatemala, petitions for review of decisions of the Board of Immigration Appeals ("BIA") (1) dismissing his appeal from an order of an Immigration Judge ("IJ") denying an application for cancellation of removal and (2) denying a motion to reopen. We have

[*] 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).

jurisdiction pursuant to 8 U.S.C. § 1252(a). We deny the petition seeking review of the denial of cancellation of removal and dismiss the petition seeking review of the denial of the motion to reopen.

1. We review for substantial evidence the BIA's holding that Chamorro was not entitled to cancellation of removal because he did not establish that removal would result in exceptional and extremely unusual hardship to his citizen children. *Gonzalez-Juarez v. Bondi*, 137 F.4th 996, 1003 (9th Cir. 2025). Exceptional and extremely unusual hardship "deviates, in the extreme, from the hardship that ordinarily occurs in removal cases." *Id.* at 1007.

The BIA noted that the children's mother, who has primary custody, was deemed a fit parent in the divorce decree. The agency also noted that the children are healthy, doing well in school, and eligible for Medicaid and that they will remain with the mother upon the father's removal. Substantial evidence thus supports the BIA's conclusion that they would face the "sadly common hardships that can result when an alien parent is removed," *Cabrera-Alvarez v. Gonzales*, 423 F.3d 1006, 1013 (9th Cir. 2005), but "fall[] short of the exceptional and extremely unusual hardship standard."

2. Chamorro's claim that he was denied due process also fails. To succeed on such a claim, a petitioner must show "(1) the proceeding was so fundamentally unfair that [he] was prevented from reasonably presenting his case, and

(2) . . . prejudice, which means that the outcome of the proceeding may have been affected by the alleged violation." *Ibarra-Flores v. Gonzales*, 439 F.3d 614, 620-21 (9th Cir. 2006) (cleaned up). Neither the BIA nor the IJ prevented Chamorro from presenting his case. *Lianhua Jiang v. Holder*, 754 F.3d 733, 741 (9th Cir. 2014), *overruled on other grounds by Alam v. Garland*, 11 F.4th 1133, 1136 (9th Cir. 2021). Nor did the BIA deny due process by failing to discuss extensively all evidence submitted by Chamorro. Rather, the BIA was required only to "consider the issues raised and announce its decision in terms sufficient to enable a reviewing court to perceive that it has heard and thought and not merely reacted." *Hernandez v. Garland*, 52 F.4th 757, 768 (9th Cir. 2022) (cleaned up). Here, the BIA did so, "discuss[ing] all evidence that was highly probative or potentially dispositive," *Gonzalez-Juarez*, 137 F.4th at 1008, including "evidence of the mental health conditions of the former spouse" and the evidence submitted with the motion to reopen.

3. In denying Chamorro's motion to reopen, the BIA stated that he "has not demonstrated that the additional evidence would change the outcome of the case such that a discretionary grant of relief would be warranted." Because the BIA denied his motion to reopen "on the ground that it would deny cancellation of removal as a matter of discretion," aside from Chamorro's due process claim, we

lack jurisdiction to review its decision. *Lemus-Escobar v. Bondi*, 158 F.4th 944, 965 (9th Cir. 2025).

PETITION NO. 23-587 DENIED AND PETITION NO. 24-366 DISMISSED.[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.