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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KENIA VILLEGAS BONILLA, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-4228 Agency No. A200-975-728 MEMORANDUM[*]

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

Submitted October 28, 2026[**]
Pasadena, California

Before: OWENS, SANCHEZ, and TUNG, Circuit Judges.

Petitioner Kenia Villegas Bonilla ("Villegas Bonilla") seeks review of the Board of Immigration Appeals' ("BIA") denial of her second untimely motion to reopen removal proceedings. As the parties are familiar with the facts, we do not recount them here. We review the BIA's denial of a motion to reopen for abuse 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).

discretion and its underlying factual findings for substantial evidence. *Reyes-Corado v. Garland*, 76 F.4th 1256, 1259–60 (9th Cir. 2023); *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010). We have jurisdiction under 8 U.S.C. § 1252(a)(1), and we deny the petition.

1. The BIA did not abuse its discretion in concluding that Villegas Bonilla failed to establish materially changed country conditions in Mexico sufficient to excuse the time and numerical limitations on her motion to reopen. To establish changed country conditions, a petitioner must present evidence that is "qualitatively different" from the evidence of conditions given at the prior merits hearing. *Agonafer v. Sessions*, 859 F.3d 1198, 1204 (9th Cir. 2017) (citation omitted). Villegas Bonilla's evidence at the prior merits hearing documented widespread gender-based and domestic violence in Mexico, underreporting of such violence, and inadequate government responses. Yet the newly presented evidence before the BIA merely showed a continuation of longstanding conditions, not a material change, since her 2018 merits hearing. *See id*. (holding that evidence recounting previously raised conditions is not enough to show a change in country conditions).

2. The BIA also did not abuse its discretion in concluding that Villegas Bonilla failed to establish prima facie eligibility for asylum or withholding of removal. Failure to establish a prima facie case for the underlying relief sought is

an independent basis for denying a motion to reopen. *I.N.S. v. Abudu*, 485 U.S. 94, 104 (1988); *Najmabadi*, 597 F.3d at 986. Although Villegas Bonilla's application asserted political opinion and membership in a particular social group as protected grounds, she did not identify in her application, motion to reopen, or declaration the political opinion or particular social group underlying her alleged suffering or fear of persecution. Thus, the BIA reasonably concluded that Villegas Bonilla had not made the required prima facie showing.

While Villegas Bonilla contends that the BIA could not assess prima facie eligibility because she had not previously applied for asylum or withholding of removal, she provides no authority or reasoning for this proposition, and we have reviewed such determinations where a motion to reopen sought to present a previously unadjudicated asylum claim. *See, e.g.*, *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1150–52 (9th Cir. 2010) (per curiam).

3. Finally, the BIA did not abuse its discretion in concluding that Villegas Bonilla failed to establish prima facie eligibility for protection under the Convention Against Torture ("CAT"). CAT protection requires a particularized showing that the applicant is more likely than not to be tortured by, or with the acquiescence of, a public official. *Arrey v. Barr*, 916 F.3d 1149, 1160 (9th Cir. 2019); *Lalayan v. Garland*, 4 F.4th 822, 840 (9th Cir. 2021); *see also* 8 C.F.R. § 1208.16(c)(2). Generalized evidence of violence against women in Mexico is

not enough to establish this showing. *See Dawson v. Garland*, 998 F.3d 876, 885 (9th Cir. 2021). And although Villegas Bonilla alleges that she suffered serious abuse from her former partner, she has had no contact with him since leaving Mexico decades ago, and the record does not establish that he has a continuing interest in harming her sufficient to compel the conclusion that she faces a particularized likelihood of future torture. *See id*. at 882–83.

PETITION DENIED.[1]

[1] The Stay of Removal is terminated.