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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN JOSE VASQUEZ MEJIA, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 22-1452 Agency No. A098-593-930 MEMORANDUM*

JUAN JOSE VASQUEZ MEJIA, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-7572 Agency No. A098-593-930

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

Submitted October 27, 2026**
Pasadena, California

* 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).

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

Juan Jose Vasquez Mejia, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") decision denying his 2020 and 2025 motions to reopen his removal proceedings. We review the BIA's denial of a motion to reopen for abuse of discretion. *Montejo-Gonzalez v. Bondi*, 166 F.4th 851, 854 (9th Cir. 2026) (en banc). As the parties are familiar with the facts, we do not recount them here. We deny the petition in part and dismiss it in part.

1. Vasquez Mejia had the right to file one motion to reopen with the BIA within ninety days of the final removal order. *See* 8 U.S.C. § 1229a(c)(7). This ninety-day deadline can be equitably tolled "when some extraordinary circumstance stood in the petitioner's way and prevented timely filing, and he acted with due diligence in pursuing his rights." *Hernandez-Ortiz v. Garland*, 32 F.4th 794, 801 (9th Cir. 2022) (citation modified).

Vasquez Mejia filed the relevant motions to reopen in 2020 and 2025, over twelve years after the BIA's final order of removal. To justify equitable tolling, Vasquez Mejia argues that the Supreme Court's decision in *Pereira v. Sessions*, 585 U.S. 198 (2018), constitutes a fundamental change in law that, combined with the 2015 birth of his U.S. citizen son, makes him eligible for cancellation of removal under 8 U.S.C. § 1229b. The BIA denied Vasquez Mejia's motion because "[b]ecoming potentially eligible for relief years after the entry of a final

removal order is common and is not an extraordinary circumstance warranting equitable tolling."

The BIA did not abuse its discretion in denying the motion to reopen. First, *Pereira* was not a change in law that made Vasquez Mejia newly eligible for relief. Because he was not eligible for cancellation of removal at the time of his initial proceedings, lacking both the requisite ten years of continuous physical presence and a qualifying relative, the stop-time rule that *Pereira* affected was not at issue. *See* 8 U.S.C. § 1229b(b)(1). In other words, even if *Pereira* had been the law at the time of Vasquez Mejia's initial hearing, he still would have been ordered removed.

Second, Vasquez Mejia's current potential eligibility does not justify equitable tolling. Becoming eligible for relief after a final order of removal does not generally constitute an extraordinary circumstance. *See INS v. Rios-Pineda*, 471 U.S. 444, 449–50 (1985) (recognizing that the BIA did not abuse its discretion in denying a motion to reopen based on "intervening circumstances" that accrued following a deportation order); *see also Matter of H-Y-Z-*, 28 I. & N. Dec. 156, 161 (B.I.A. 2020) (holding that "equities that were acquired while [petitioner] remained illegally in the United States after being ordered removed . . . do not constitute such truly exceptional circumstances as to warrant discretionary reopening"). Thus, the BIA did not abuse its discretion because Vasquez Mejia failed to show

an extraordinary circumstance that warranted equitable tolling.

2. The time and number limits for filing motions to reopen do not apply to motions based on changed country conditions that support a new application for asylum, withholding of removal, or protection under the Convention Against Torture ("CAT"). *See Agonafer v. Sessions*, 859 F.3d 1198, 1203–04 (9th Cir. 2017); 8 U.S.C. § 1229a(c)(7)(C)(ii). To prevail on a motion to reopen based on changed country conditions, a noncitizen must (1) produce material evidence that conditions have changed in the country of removal since the initial hearing and (2) demonstrate prima facie eligibility for the relief sought. *See Agonafer*, 859 F.3d at 1204.

In support of his 2020 motion, Vasquez Mejia submitted four articles published between 2018 and 2020 that discuss ongoing conditions in El Salvador, but none address conditions at the time of his initial 2006 hearing to provide a point of comparison. In addition, this evidence is not material because "it simply recounts generalized conditions . . . that fail to demonstrate 'that [Vasquez Mejia's] predicament is appreciably different from the dangers faced by [his] fellow citizens.'" *Najmabadi v. Holder*, 597 F.3d 983, 989–90 (9th Cir. 2010) (citation omitted).

The BIA also found that Vasquez Mejia did not meet the statutory standards for prima facie eligibility for relief because he failed to connect any well-founded

fear to a protected ground, nor did he establish that he would be tortured by or with the consent or acquiescence of the Salvadoran government. Rather than contend with the BIA's legal conclusions on appeal, Vasquez Mejia argues that the agency failed to engage with his evidence. But the BIA need not individually identify and discuss evidence that is neither "highly probative" nor "potentially dispositive." *Hernandez v. Garland*, 52 F.4th 757, 70–71 (9th Cir. 2022) (citations omitted). And although the BIA did not discuss the specific articles Vasquez Mejia submitted, it "announce[d] its decision in terms sufficient to enable a reviewing court to perceive that it has heard and thought and not merely reacted." *Agonafer*, 859 F.3d at 1206 (citation omitted). The BIA thus did not abuse its discretion in denying Vasquez Mejia's motion to reopen based on changed country conditions.

3. Finally, we lack jurisdiction to review the BIA's conclusions that Vasquez Mejia failed to present any "exceptional situation" in either his 2020 or 2025 motions that would warrant sua sponte reopening. 8 C.F.R. § 1003.2(a). We have jurisdiction to review denials of motions to reopen sua sponte only "for the limited purpose of reviewing the reasoning behind the decisions for legal or constitutional error." *Bonilla v. Lynch*, 840 F.3d 575, 588 (9th Cir. 2016).

Vasquez Mejia argues that, in its 2022 decision, the BIA committed legal error by failing to expressly discuss his equities, change in law argument, or eligibility for an I-601A waiver. But we have made clear that the BIA need not

"write an exegesis on every contention." *Najmabadi*, 597 F.3d at 990 (citation omitted). Here, the agency's statement that it "considered [Vasquez Mejia's] motion" and its acknowledgement of his "potential[] eligib[ility] for adjustment of status" indicates sufficient consideration of his arguments.

Vasquez Mejia also argues that the BIA denied his 2025 motion to reopen based on a misunderstanding of its discretionary authority. Rather than erroneously believing that exercising its discretion would be futile, however, the BIA correctly outlined its sua sponte authority and concluded "that the record [did] not present an exceptional situation that warrant[ed] the exercise of [its] sua sponte reopening authority." *See Lona v. Barr*, 958 F.3d 1225, 1234 (9th Cir. 2020). Because the BIA did not commit any legal or constitutional error, we lack jurisdiction to review its refusal to reopen Vasquez Mejia's removal proceedings sua sponte.

PETITION FOR REVIEW DENIED IN PART AND DISMISSED IN PART.