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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DULCE ADRIANA MEDINA-MARTINEZ; N. J.-M.; ALBERTO JUAREZ-FARELO, Petitioners, v. TODD BLANCHE, Attorney General, Respondent.	No. 26-107 Agency Nos. A246-762-193 A246-762-194 A246-762-192 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.

Dulce Adriana Medina-Martinez petitions for review of the decision from the Board of Immigration Appeals ("BIA") to dismiss as untimely her appeal of an

* 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).

immigration judge's order.[1] We deny the petition.

1. An immigration judge ordered Medina-Martinez removed on July 22, 2025. She filed a notice of appeal and the required filing fee on August 23, 2025, two days after the filing deadline of August 21, 2025. *See* 8 C.F.R. §§ 1003.38(b)(2), 1003.8(a)(3)-(4).

2. The BIA "will accept late-filed appeals where a party can establish equitable tolling applies." *Matter of Morales-Morales*, 28 I. & N. Dec. 714, 717 (BIA 2023). A petitioner seeking equitable tolling must show that although she "has been pursuing [her] rights diligently . . . some extraordinary circumstance prevented timely filing." *Id.* (adopting the equitable tolling standard from *Holland v. Florida*, 560 U.S. 631 (2010), a habeas case).

Although Medina-Martinez did not learn that the filing fee for an appeal increased from $110 to $1,010 until nine days before the filing deadline, the BIA did not abuse its "broad discretion" in concluding that her inability to pay the fee at the time the notice of appeal was due was not an extraordinary circumstance. *See Magana-Magana v. Bondi*, 129 F.4th 557, 573 (9th Cir. 2025) (involving untimeliness of motion to reopen under Violence Against Women Act). "The threshold necessary to trigger equitable tolling is very high, lest the exceptions

[1] Medina-Martinez's husband, Alberto Juarez-Farelo, and her minor daughter sought identical relief before the agency and are co-petitioners here. For simplicity, we refer to Medina-Martinez as the sole petitioner.

swallow the rule." *Miranda v. Castro*, 292 F.3d 1063, 1066 (9th Cir. 2002) (cleaned up); *see also Ford v. Pliler*, 590 F.3d 782, 789 (9th Cir. 2009) (holding, in the habeas context, that "misunderstanding of accurate information," "confusion," and "ignorance of the law alone" do not justify equitable tolling). Moreover, Medina-Martinez did not, as 8 C.F.R. § 1003.8(a)(3) permits, seek a fee waiver, nor does she claim that she was prevented from doing so.

3. In these circumstances, the BIA's brief explanation—that the "argument that additional time was needed to pay the filing fee is not an extraordinary circumstance that warrants equitable tolling"—constituted a "reasoned explanation for its actions." *Movsisian v. Ashcroft*, 395 F.3d 1095, 1098 (9th Cir. 2005); *see also Agonafer v. Sessions*, 859 F.3d 1198, 1206-07 (9th Cir. 2017) (requiring the BIA to "announce its decision in terms sufficient to enable a reviewing court to perceive that it has heard and thought and not merely reacted" (cleaned up)). Medina-Martinez did not describe her "reasonable expectations regarding the appeal process," citing only general financial difficulties, not specific facts evincing unique circumstances. Additionally, she did not explain why she was unable to pay the fee on time but was able to pay it two days later. *See Perez v. Reubart*, 150 F.4th 1164, 1170 (9th Cir. 2025) ("The grounds for granting equitable tolling are highly fact-dependent." (cleaned up)); *cf. Garcia Corrales v. Blanche*, 179 F.4th 739, 743 (9th Cir. 2026) ("stress[ing]" that the BIA "should explain why

a forty-two day delay in delivery of certified mail," verified by petitioner's evidence, is not an extraordinary circumstance).

PETITION FOR REVIEW DENIED.[2]

[2] The motion to stay removal is **DENIED**, and the temporary stay of removal entered pursuant to General Order 6.4(c) is lifted, effective immediately.