United States Court of Appeals for the Fifth Circuit

No. 24-60527
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
June 5, 2025
Lyle W. Cayce
Clerk

LUIS TEDDORO HERNANDEZ ARANA,

Petitioner,

versus

PAMELA BONDI, *U.S. Attorney General*,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A205 291 306

Before RICHMAN, DOUGLAS, and RAMIREZ, *Circuit Judges*.

PER CURIAM:[*]

Luis Teddoro Hernandez Arana, a native and citizen of Mexico, petitions for review of a decision by the Board of Immigration Appeals (BIA) affirming an order of an immigration judge (IJ) denying his application for cancellation of removal under 8 U.S.C. § 1229b(b)(1). Hernandez Arana argues that the agency erred in determining that he failed to show that his

[*] This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

removal would result in exceptional and extremely unusual hardship for his two daughters. He argues that the agency failed to consider all the relevant hardship evidence properly as required by BIA precedent and thus failed to give appropriate weight to the hardship evidence.

"We review the BIA's decision and consider the IJ's decision only to the extent it influenced the BIA." *Agustin-Matias v. Garland*, 48 F.4th 600, 601 (5th Cir. 2022). To be eligible for cancellation of removal, Hernandez Arana must show that, inter alia, his removal from the United States "would result in exceptional and extremely unusual hardship to" a qualifying relative. 8 U.S.C. § 1229b(b)(1)(D); *see Wilkinson v. Garland*, 601 U.S. 209, 213 (2024).

Pursuant to 8 U.S.C. § 1252(a)(2)(B)(i), we lack jurisdiction to review the factual findings underlying the BIA's conclusion on the issue of hardship. *Wilkinson*, 601 U.S. at 225. However, the determination whether an established set of facts satisfies the legal standard of exceptional and extremely unusual hardship is a mixed question of fact and law that is a reviewable legal question pursuant to § 1252(a)(2)(D). *Id.* at 216-17, 225. Although the parties disagree on the standard of review, we need not decide what standard applies here, as Hernandez Arana cannot prevail even under a general deferential review. *See id.* at 225; *Sustaita-Cordova v. Garland*, 120 F.4th 511, 518-19 (5th Cir. 2024).

In his argument, Hernandez Arana contests the agency's factual findings regarding his possession of "transferable employment skills" and his ability to support his family from Mexico. He also focuses his argument on several unestablished facts regarding his elder daughter. We lack jurisdiction to review his requests to reevaluate the agency's factual findings underlying the hardship determination. *See Wilkinson*, 601 U.S. at 225; *cf. Nastase v. Barr*, 964 F.3d 313, 319 (5th Cir. 2020) (stating that an alien "may not—

merely by phrasing his argument in legal terms—use those terms to cloak a request for review of the BIA's discretionary decision, which is not a question of law" (internal quotation marks and alterations omitted)).

Next, the record reflects that the agency considered the hardship evidence in the aggregate. *See Roy v. Ashcroft*, 389 F.3d 132, 139-40 (5th Cir. 2004) (per curiam); *In re Monreal-Aguinaga*, 23 I. & N. Dec. 56, 64 (BIA 2001). Further, Hernandez Arana has not shown that any difficulties that his daughters may experience would be "substantially different from or beyond that which would ordinarily be expected to result from" the removal of a close family member. *Wilkinson*, 601 U.S. at 215; *accord Monreal-Aguinaga*, 23 I. & N. Dec. at 62, 65.

Accordingly, the petition for review is DENIED in part and DISMISSED in part for lack of jurisdiction.