

# United States Court of Appeals for the Fifth Circuit

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No. 21-60958  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

December 22, 2022

Lyle W. Cayce  
Clerk

JUANA SANTIBANEZ-SANCHEZ,

*Petitioner,*

*versus*

MERRICK GARLAND, *U.S. Attorney General,*

*Respondent.*

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Petition for Review of an Order of the  
Board of Immigration Appeals  
Agency No. A095 248 136

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Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Petitioner Juana Santibanez-Sanchez, a native and citizen of Mexico, seeks our review of a decision by the Board of Immigration Appeals (BIA). The BIA dismissed the appeal of the Immigration Judge's (IJ) denial of Petitioner's applications for adjustment of status and cancellation of removal.

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\* This decision is not designated for publication. *See* 5TH CIR. R. 47.5.

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We lack jurisdiction to consider Petitioner’s challenge to the denial of her request for adjustment of status under 8 U.S.C. § 1255(a). *See Patel v. Garland*, 142 S. Ct. 1614, 1627 (2022) (“Federal courts lack jurisdiction to review facts found as part of discretionary-relief proceedings under § 1255 and the other provisions enumerated in § 1252(a)(2)(B)(i).”). We also lack jurisdiction to review Petitioner’s other contentions concerning § 1229b(b)(2) because they were not raised before the BIA and thus are not exhausted. *See Martinez-Guevara v. Garland*, 27 F.4th 353, 359-60 (5th Cir. 2022); 8 U.S.C. § 1252(d)(1).

We do consider Petitioner’s constitutional assertions, however, but find them unpersuasive. Her due process contention fails because she has not demonstrated that the alleged infringement of her rights—delays resulting in two of her children aging out as qualifying relatives—affected the outcome of her proceedings. *See Arteaga-Ramirez v. Barr*, 954 F.3d 812, 813 (5th Cir. 2020); *see also Gonzalez Hernandez v. Garland*, 9 F.4th 278, 286 (5th Cir. 2021). Her equal protection claim is unavailing because she fails to show that the law was applied differently to similarly situated individuals. *See Malagon de Fuentes v. Gonzales*, 462 F.3d 498, 507 (5th Cir. 2006); *see also Gonzalez Hernandez*, 9 F.4th at 286.

The petition for review is DISMISSED in part and DENIED in part.