

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 9, 2025

Lyle W. Cayce
Clerk

No. 24-60663
Summary Calendar

ESTEBAN TORRES REQUENA,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A078 555 228

Before RICHMAN, SOUTHWICK, and WILLETT, *Circuit Judges.*

PER CURIAM:*

Esteban Torres Requena, a native and citizen of Mexico, petitions for review of the decision of the Board of Immigration Appeals (BIA) upholding the denial of his application for cancellation of removal. He claimed that his removal would cause exceptional and extremely unusual hardship to his four

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

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children who were United States citizens. The immigration judge and BIA disagreed.

We review the BIA's decision and consider the immigration judge's decision only to the extent it influenced the BIA. *Sustaita-Cordova v. Garland*, 120 F.4th 511, 517 (5th Cir. 2024). Pursuant to 8 U.S.C. § 1252(a)(2)(B)(i), we lack jurisdiction to review the factual findings underlying the agency's conclusion on the issue of hardship. *Wilkinson v. Garland*, 601 U.S. 209, 225 (2024). However, 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.

Torres Requena's arguments here primarily dispute the correctness of the agency's factual findings underlying its conclusion on hardship, such as the ability of Torres Requena and his current wife to financially support the children if he were removed, the transitional support that could be provided by the wife's family in Mexico, and the severity of the emotional impact on the children and the reduction in the children's standard of living. Those factual findings are unreviewable, however. *See Wilkinson*, 601 U.S. at 225; *Sustaita-Cordova*, 120 F.4th at 518.

To the extent Torres Requena contends that the established facts satisfy the hardship standard, the argument is unavailing. As the agency found, the children would have a reduced standard of living and be impacted financially and emotionally. Such circumstances, however, are insufficient to satisfy the hardship standard when they are not substantially different from or beyond that which normally accompanies the removal of a parent. *See Cuenca-Arroyo v. Garland*, 123 F.4th 781, 784-85 (5th Cir. 2024) (stating that "common consequences of removal" do not "rise to the statutory standard"). Under the deferential review applicable here, Torres Requena

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has not shown that the agency erred in concluding that the facts failed to establish the requisite hardship as to any of the children. *See id.*; *Sustaita-Cordova*, 120 F.4th at 518-19. Further, the record shows that the agency adequately considered all the hardship evidence both individually and in the aggregate. *See L.N. v. Garland*, 109 F.4th 389, 396 (5th Cir. 2024).

Torres Requena also has not shown that the agency violated his due process rights by failing to consider all the hardship evidence cumulatively or failing to properly weigh the evidence. To the extent his due process argument disputes the agency's factual findings and is merely cloaked as a constitutional claim, we lack jurisdiction to review it. *See Wilkinson*, 601 U.S. at 225; *Medina Carreon v. Garland*, 71 F.4th 247, 255 (5th Cir. 2023). Additionally, aliens do not have due process rights with respect to discretionary relief such as cancellation of removal. *See Gutierrez-Morales v. Homan*, 461 F.3d 605, 609-10 (5th Cir. 2006); *Flores-Moreno v. Barr*, 971 F.3d 541, 545 n.2 (5th Cir. 2020).

The petition for review is DENIED.