

United States Court of Appeals
for the Fifth Circuit

No. 22-60304
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 22, 2022
Lyle W. Cayce
Clerk

ANSELMO MEDRANO GONZALEZ,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A090 766 086

Before SMITH, DENNIS, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:*

Anselmo Medrano Gonzalez, a native and citizen of Mexico, petitions for review of a decision of the Board of Immigration Appeals (“BIA”) denying his motion to reopen. Motions to reopen are “disfavored” and are reviewed under “a highly deferential abuse of discretion standard.” *Gonzalez-Cantu v. Sessions*, 866 F.3d 302, 304–05 (5th Cir. 2017) (internal

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

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quotation marks and citation omitted).

Review of the record supports the BIA's conclusion that Medrano Gonzalez had not shown he was prejudiced by the allegedly deficient performance of his attorneys. *See Diaz v. Sessions*, 894 F.3d 222, 228 (5th Cir. 2018). Consequently, the BIA's decision was not "capricious, racially invidious, utterly without foundation in the evidence, or otherwise so irrational that it is arbitrary rather than the result of any perceptible rational approach," and the abuse of discretion standard has not been met. *See Zhao v. Gonzales*, 404 F.3d 295, 304 (5th Cir. 2005) (citation omitted). Insofar as Medrano Gonzalez maintains that counsels' poor performance amounts to a due process violation, that argument is likewise unavailing. *See Diaz*, 894 F.3d at 228; *Mai v. Gonzales*, 473 F.3d 162, 165 (5th Cir. 2006).

The petition for review is DENIED.