

United States Court of Appeals for the Fifth Circuit

No. 25-60035
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 8, 2025

Lyle W. Cayce
Clerk

CARLOS MARANON-ACUNA,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A087 608 052

Before HIGGINBOTHAM, ENGELHARDT, and RAMIREZ, *Circuit Judges.*

PER CURIAM: *

Carlos Maranon-Acuna, a native and citizen of Mexico, petitions this court for review of a decision of the Board of Immigration Appeals (BIA) upholding the immigration judge's (IJ's) denial of his application for adjustment of status under 8 U.S.C. § 1255(i). The agency determined that Maranon-Acuna was inadmissible under 8 U.S.C. § 1182(a)(9)(C)(i)(I) and

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

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thus ineligible for adjustment of status under § 1255(i), pursuant to *Mortera-Cruz v. Gonzales*, 409 F.3d 246 (5th Cir. 2005), and *Matter of Briones*, 24 I. & N. Dec. 355 (BIA 2007).

We review the BIA's decision and consider the IJ's decision only to the extent it influenced the BIA. *Orellana-Monson v. Holder*, 685 F.3d 511, 517 (5th Cir. 2012). Questions of law are reviewed de novo, and findings of fact are reviewed under the substantial evidence standard. *Id.* We have jurisdiction to address constitutional claims and questions of law, *see* 8 U.S.C. § 1252(a)(2)(D), including mixed questions of law and fact, *see Guerrero-Lasprilla v. Barr*, 589 U.S. 221, 228, 230 (2020).

Maranon-Acuna argues that Congress intended for § 1255(i) to waive inadmissibility under § 1182(a)(9)(C)(i)(I) because § 1255(i) does not contain any limitations based on an alien's prior unlawful entries or presence, and § 1255(i) should be construed as a "stand-alone provision" for adjustment of status. He contends that *Briones* was incorrectly decided and no longer entitled to deference pursuant to *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), in light of *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). He also argues that *Mortera-Cruz* was no longer controlling after *Loper Bright* because it relied on *Chevron*.

The Supreme Court stated in *Loper Bright* that it was "not call[ing] into question prior cases that relied on the *Chevron* framework." *Id.* at 412. Further, "[m]ere reliance on *Chevron* cannot constitute a special justification for overruling such a holding, because to say a precedent relied on *Chevron* is, at best, just an argument that the precedent was wrongly decided," which "is not enough to justify overruling a statutory precedent." *Id.* (internal quotation marks and citation omitted). Maranon-Acuna's argument that *Mortera-Cruz* was no longer controlling after *Loper Bright* is unavailing, as *Loper Bright* does not require reconsideration of precedent relying on

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Chevron, and his argument is essentially premised on the overruling of *Chevron*. We remain bound by the prior panel's decision in *Mortera-Cruz*, notwithstanding its reliance on *Chevron*. See *Mercado v. Lynch*, 823 F.3d 276, 279 (5th Cir. 2016) (explaining under rule of orderliness, one panel may not revisit another panel's decision, absent an intervening change in the law).

Pursuant to the reasoning in *Mortera-Cruz*, the BIA did not err in determining that Maranon-Acuna was ineligible for adjustment of status under § 1255(i). See *Mortera-Cruz*, 409 F.3d at 255-56. We accordingly need not address Maranon-Acuna's remaining arguments. See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976)

Maranon-Acuna also contends that *Briones* should not have been applied to him retroactively, as his last entry into the United States occurred prior to the BIA's decision in *Briones*, and he was thus not given fair notice of the changes to the agency's interpretation of § 1255(i). The Government argues that Maranon-Acuna failed to exhaust this argument before the BIA. However, Maranon-Acuna's argument in his brief to the BIA, although presented in a "less developed form" and slightly varied in its analysis, was sufficient to "put the BIA on notice" of his due process challenge to the agency's application of *Briones*. *Vazquez v. Sessions*, 885 F.3d 862, 868 (5th Cir. 2018) (internal quotation marks and citation omitted).

"To prevail on a due process claim, an alien must make an initial showing of substantial prejudice by making a prima facie showing that the alleged violation affected the outcome of the proceeding." *Arteaga-Ramirez v. Barr*, 954 F.3d 812, 813 (5th Cir. 2020) (internal quotation marks and citation omitted). In addition to *Briones*, the IJ and BIA relied on *Mortera-Cruz*, which was decided before Maranon-Acuna last reentered the United States in 2006. See *Mortera-Cruz*, 409 F.3d at 246. He has failed to show

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that the agency's alleged due process violation affected the outcome of his proceedings. *See Arteaga-Ramirez*, 954 F.3d at 813.

The petition for review is DENIED.