

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 19, 2026

Thomas B. Plunkett, III
Clerk

No. 25-60631
Summary Calendar

HUBERTO MISAEAL MARTINEZ RODAS,

Petitioner,

versus

TODD WALLACE BLANCHE, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A215 500 787

Before HIGGINBOTHAM, SMITH, and HO, *Circuit Judges.*

PER CURIAM:*

Huberto Misael Martinez Rodas, a native and citizen of Mexico, petitions for review of a decision of the Board of Immigration Appeals (BIA) affirming the immigration judge's (IJ) denial of cancellation of removal and denial of asylum, withholding of removal, and protection under the Convention Against Torture. Martinez Rodas challenges the denial of

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

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cancellation of removal, claiming that his removal would cause exceptional and extremely unusual hardship to his United States citizen children.

Because the BIA affirmed without opinion, the IJ's decision is the proper focus of our review. *See Lopez-Perez v. Garland*, 35 F.4th 953, 956 (5th Cir. 2022). 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. *See id.* at 216–17, 225. The agency's hardship determination is reviewed under the substantial-evidence standard. *Okene v. Blanche*, No. 25-60559, 2026 WL 2620432, at *3 (5th Cir. Sept. 4, 2026).

To the extent that Martinez Rodas disputes the correctness of the factual findings underlying the IJ's hardship determination, those findings are unreviewable. *See Wilkinson*, 601 U.S. at 225; *Sustaita-Cordova v. Garland*, 120 F.4th 511, 518 (5th Cir. 2024). He has not otherwise shown the IJ erred in concluding that the difficulties his children might experience upon his removal did not rise to the level of exceptional and extremely unusual hardship. *See Cuenca-Arroyo v. Garland*, 123 F.4th 781, 784–85 (5th Cir. 2024).

The petition for review is DENIED.