

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 17, 2026

Lyle W. Cayce
Clerk

No. 25-60640
Summary Calendar

YASMINA MARBELLA CARDOZA-BONILLA; DIANA GABRIELA
RECARTE-CARDOZA,

Petitioners,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency Nos. A208 541 915,
A208 541 916

Before BARKSDALE, GRAVES, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Yasmina Marbella Cardoza-Bonilla, a native and citizen of Honduras, petitions for review of the Board of Immigration Appeals' (BIA) denying her motion to reopen her proceedings. (Cardoza's then-minor child, Diana

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

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Gabriela Recarte-Cardoza, was a derivative beneficiary on her application for relief).

Because motions to reopen are “disfavored”, their denial is reviewed under “a highly deferential abuse-of-discretion standard”. *Gonzalez-Cantu v. Sessions*, 866 F.3d 302, 304–05 (5th Cir. 2017) (citation omitted). The denial will stand unless it is “capricious, without foundation in the evidence, or otherwise so irrational that it is arbitrary rather than the result of any perceptible rational approach”. *Id.* (citation omitted).

Cardoza contends the BIA erred, under the applicable two-part test, in declining to equitably toll the filing deadline for her untimely motion to reopen because: she acted diligently; *and* extraordinary circumstances prevented her timely filing. *See Flores-Moreno v. Barr*, 971 F.3d 541, 545 (5th Cir. 2020) (noting 90-day filing deadline for motion to reopen unless equitable tolling applies); *Pace v. DiGuglielmo*, 544 U.S. 408, 418 (2005) (requiring petitioner seeking equitable tolling to show “that he has been pursuing his rights diligently, and . . . that some extraordinary circumstance stood in his way”).

Regarding Cardoza’s contending she acted diligently, the BIA did not abuse its discretion in concluding her failure to show the steps she took to pursue relief during her four years of inaction constituted a lack of diligence. *See Flores-Moreno*, 971 F.3d at 545. Because, under the two-part test, her lack of diligence is fatal to her equitable-tolling claim, we need not consider her contention, under the second part of the test, that extraordinary circumstances prevented her from timely filing to reopen. *See id*; *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”).

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Finally, our court lacks jurisdiction to consider Cardoza's challenge to the BIA's declining to exercise its discretion to reopen her proceedings *sua sponte*. See *Pena-Lopez v. Garland*, 33 F.4th 798, 807 (5th Cir. 2022).

DENIED in part; DISMISSED in part for lack of jurisdiction.