

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 31, 2026

Lyle W. Cayce
Clerk

No. 26-60002
Summary Calendar

VERALICIA MARROQUIN CALDERON,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A072 534 055

Before DAVIS, STEWART, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Veralicia Marroquin Calderon, a native and citizen of El Salvador, petitions for review of the decision by the Board of Immigration Appeals (BIA) denying her motion to reopen her removal proceedings. Marroquin Calderon argues that the BIA abused its discretion in not applying equitable tolling to the filing deadline. But that argument is unavailing. Marroquin

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

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Calderon produced no evidence showing that she pursued her rights with “due diligence” during the 17-year period between the conclusion of her removal proceedings and the filing of her motion to reopen. *See Nunez v. Sessions*, 882 F.3d 499, 505 (5th Cir. 2018); *Gonzalez-Cantu v. Sessions*, 866 F.3d 302, 305 & n.4 (5th Cir. 2017); *Lugo-Resendez v. Lynch*, 831 F.3d 337, 344 (5th Cir. 2016).

Because Marroquin Calderon has not shown the BIA abused its discretion in declining to apply equitable tolling, we will not consider her alternative arguments that the BIA should have granted her motion to reopen because she raised a viable claim of ineffective assistance of counsel and that the BIA decision precluded her from reapplying for temporary protected status. *See Flores-Moreno v. Barr*, 971 F.3d 541, 545 (5th Cir. 2020). Finally, we lack jurisdiction to consider Marroquin Calderon’s argument that the BIA should have exercised its sua sponte authority to reopen her case. *See Garcia-Gonzalez v. Garland*, 76 F.4th 455, 465-66 (5th Cir. 2023).

The petition for review is DENIED in part and DISMISSED in part.