

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 21, 2026

Thomas B. Plunkett, III
Clerk

No. 26-60091
Summary Calendar

ROBERTO CASTILLO,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A090 998 011

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

PER CURIAM:*

Roberto Castillo, a native and citizen of Mexico, petitions for review of the decision of the Board of Immigration Appeals (BIA) denying the motion he filed in 2025 seeking reconsideration of his 1999 removal order. He challenges the BIA's determination that he failed to demonstrate the requisite diligence for equitable tolling.

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

No. 26-60091

We review the BIA’s denial of his motion for reconsideration under a “highly deferential abuse-of-discretion standard.” *Rosa Arevalo v. Bondi*, 159 F.4th 290, 292 (5th Cir. 2025) (internal quotation marks and citation omitted). Castillo was removed to Mexico in 1999 and reentered the United States in 2004 without authorization. His motion for reconsideration was based on a change in the law in 2001 under *United States v. Chapa-Garza*, 243 F.3d 921 (5th Cir. 2001).

However, Castillo did not take any steps to pursue legal consultation about his removal order until 2023—22 years after *Chapa-Garza* was issued. His evidence, including his circumstances regarding education, the English language, lack of legal training, and what he was advised at the time of his removal in 1999, fails to show that he acted with reasonable diligence during that time. *See Rosa Arevalo*, 159 F.4th at 292–94. The BIA did not abuse its discretion in denying equitable tolling. Additionally, the BIA’s decision does not reflect inadequate consideration of Castillo’s evidence or arguments. *See Martinez-Guevara v. Garland*, 27 F.4th 353, 362 (5th Cir. 2022).

The petition for review is DENIED.