

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 16 2025

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ADOLFO JAVIER GUTIERREZ; et al.,

Petitioners,

v.

PAMELA BONDI, Attorney General,

Respondent.

No. 21-32

Agency Nos.

A201-918-449

A201-918-448

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 15, 2025**

Before: SILVERMAN, TALLMAN, and BUMATAY, Circuit Judges.

Adolfo Javier Gutierrez and his minor daughter, natives and citizens of Honduras, petition pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's decision denying their motion to reopen removal proceedings and rescind a removal order

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

entered in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying petitioners’ motion to reopen where they failed to establish lack of proper notice. *See* 8 U.S.C. § 1229a(b)(5)(A), (C)(ii); *see also Dobrota v. INS*, 311 F.3d 1206, 1211 (9th Cir. 2002) (agency “may generally satisfy notice requirements by mailing notice of the hearing to . . . the address last provided.”).

Petitioners’ contentions regarding sua sponte reopening and equitable relief are not properly before this court because petitioners did not raise them before the BIA. *See* 8 U.S.C. § 1252(d)(1) (administrative remedies must be exhausted); *see also Santos-Zacaria v. Garland*, 598 U.S. 411, 417-19 (2023) (section 1252(d)(1) is not jurisdictional).

The temporary stay of removal remains in place until the mandate issues.

PETITION FOR REVIEW DENIED.