

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Maria Jose Rodriguez Irias; S.J.A.R.; V.D.A.R. v. Pamela Bondi

Rodriguez Irias v. Bondi · No. 25-1419 · Decided February 17, 2026

SUMMARY

The United States Court of Appeals for the Eighth Circuit denied a petition for review of the Board of Immigration Appeals’ decision affirming the denial of a motion to reopen in absentia removal proceedings. The court held that the ineffective-assistance claim was procedurally deficient under Matter of Lozada because the record lacked proof that counsel’s disciplinary complaint had been submitted. The court also held that it lacked jurisdiction to review the BIA’s discretionary refusal to reopen the case sua sponte.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Shepherd, Circuit Judge; Loken, Circuit Judge; Benton, Circuit Judge
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	February 17, 2026
DOCKET	25-1419
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for review of a Board of Immigration Appeals order affirming an immigration judge's denial of a motion to reopen in absentia removal proceedings.
STANDARD OF REVIEW	The court reviews decisions denying motions to reopen or reconsider for abuse of discretion. BIA factual findings are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary. The court generally lacks jurisdiction to review purely discretionary decisions declining sua sponte reopening.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Maria Jose Rodriguez Irias, S.J.A.R., V.D.A.R. v. Pamela Bondi, Attorney General of the United States

TOPICS

removal proceedings

immigration

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PRACTICE AREAS

Immigration

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QUESTIONS PRESENTED

1. Whether the Board of Immigration Appeals abused its discretion in affirming the denial of a motion to reopen in absentia removal proceedings based on ineffective assistance of counsel.
2. Whether the ineffective-assistance claim satisfied the third procedural requirement of *Matter of Lozada* by showing that counsel's complaint had been submitted to the appropriate disciplinary authorities or explaining why it had not been submitted.
3. Whether the Eighth Circuit had jurisdiction to review the Board of Immigration Appeals' discretionary refusal to reopen the removal proceedings sua sponte.
4. Whether arguments concerning additional alleged instances of ineffective assistance were preserved for judicial review.

HOLDINGS

1. A movant seeking reopening based on ineffective assistance must provide proof that the required complaint was submitted to the appropriate disciplinary authorities, or explain why it was not. Merely submitting the substance of a purported complaint without proof of transmission or receipt does not satisfy *Matter of Lozada*.
2. The BIA did not abuse its discretion in affirming the immigration judge's denial of the motion to reopen because the ineffective-assistance claim failed the mandatory *Lozada* procedural requirements.
3. Arguments based on alleged failures distinct from those presented to the BIA are not properly before the court because the petitioner failed to exhaust those issues administratively.
4. The Eighth Circuit generally lacks jurisdiction to review the BIA's purely discretionary decision declining to reopen removal proceedings sua sponte when the asserted basis is merely that the case presents an exceptional situation.

KEY QUOTATIONS

“Merely including the content of a report is not enough; the movant must also show that the report was sent to the proper parties.” (-4-)

“Thus, “although the BIA may reopen removal proceedings sua sponte, this Court generally lacks jurisdiction to review such decisions.”” (-6-)

FACTUAL BACKGROUND

Rodriguez Irias and her two minor children, natives and citizens of Honduras, entered removal proceedings after Rodriguez Irias sought admission to the United States without valid entry documentation. She failed to appear at a February 2023 removal hearing after notices were sent to her last address of record, and the immigration judge ordered her removed in absentia. Her former counsel later moved to reopen based on alleged ineffective assistance, submitting the substance of a purported self-report to disciplinary authorities but no proof that the report had been sent or received.

PROCEDURAL HISTORY

The Department of Homeland Security initiated removal proceedings against Rodriguez Irias after she sought admission without valid entry documentation. After she failed to appear at a scheduled hearing, the immigration judge ordered her removed in absentia. The immigration judge denied her motion to reopen based on alleged ineffective assistance of counsel, and the Board of Immigration Appeals affirmed, finding the claim procedurally deficient under *Matter of Lozada* and declining sua sponte reopening. The Eighth Circuit denied the petition for review.

DISPOSITION

writ_denied

CASES CITED

- *Matter of Lozada*, 19 I&N Dec. 637, 639 (BIA 1988)
- *Gitau v. Mukasey*, 520 F.3d 906, 908 (8th Cir. 2008)
- *Etchu-Njang v. Gonzales*, 403 F.3d 577, 580 (8th Cir. 2005)
- *In re Grijalva-Barrera*, 21 I&N Dec. 472, 473 (BIA 1996)
- *Habchy v. Gonzales*, 471 F.3d 858, 862 (8th Cir. 2006)
- *Avitso v. Barr*, 975 F.3d 719, 722-23 (8th Cir. 2020)
- *Matter of Melgar*, 28 I&N Dec. 169, 170 (BIA 2020)
- *Essel v. Garland*, 89 F.4th 686, 691 (8th Cir. 2023)
- *Brizuela v. Garland*, 71 F.4th 1087, 1091-92 (8th Cir. 2023)
- *Kanagu v. Holder*, 781 F.3d 912, 917 (8th Cir. 2015)
- *Liadov v. Mukasey*, 518 F.3d 1003, 1006 (8th Cir. 2008)
- *In re J-J-*, 21 I&N Dec. 976, 984 (BIA 1997)
- *Manyary v. Bondi*, 129 F.4th 473, 479 (8th Cir. 2025)

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