

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

William Hernando Usma Acosta v. Todd Blanche

Usma Acosta v. Blanche · No. No. 25-1045 · Decided May 1, 2026

SUMMARY

The United States Court of Appeals for the First Circuit reviews a petition challenging the Board of Immigration Appeals' decision concerning William Hernando Usma Acosta's removability and applications for immigration relief. The court addresses fraud and misrepresentation in obtaining lawful permanent resident status, credibility determinations, asylum, withholding of removal, Convention Against Torture protection, waiver of inadmissibility, cancellation of removal, and limits on appellate jurisdiction. The court denies most claims and dismisses the remainder for lack of jurisdiction.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the First Circuit                                                                                                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Thompson, Circuit Judge; Gelpí, Circuit Judge; Montecalvo, Circuit Judge                                                                                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | United States Court of Appeals for the First Circuit                                                                                                                                                                                                                                                                                                                                                                                             |
| DECIDED               | May 1, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | No. 25-1045                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Petition for review of a final order of the Board of Immigration Appeals affirming an immigration judge's determination that Acosta was removable and denying asylum, statutory withholding of removal, CAT protection, a waiver of inadmissibility, cancellation of removal, and a motion to reopen.                                                                                                                                            |
| STANDARD OF REVIEW    | The court reviewed legal questions de novo, agency factual findings and credibility determinations for substantial evidence, factual CAT determinations for clear error, and denial of the motion to reopen for abuse of discretion. The BIA's denial of the judicial-bias claim was reviewed de novo. Discretionary denials of the waiver of inadmissibility and cancellation of removal were held unreviewable under 8 U.S.C. § 1252(a)(2)(B). |
| PRECEDENTIAL VALUE    | Published and precedential                                                                                                                                                                                                                                                                                                                                                                                                                       |

## **PARTIES**

William Hernando Usma Acosta v. Todd Blanche, Acting United States Attorney General

## **TOPICS**

removal proceedings criminal immigration asylum judicial review of agency action appellate procedure

## **PRACTICE AREAS**

immigration law administrative law appellate procedure evidence

## **QUESTIONS PRESENTED**

1. Whether the immigration judge's conduct and the BIA's handling of Acosta's appeal demonstrated judicial bias or denied him a full and fair hearing.
2. Whether the agency established Acosta's deportability by clear and convincing evidence based on his use of a false identity and failure to disclose prior marriages.
3. Whether the serious-nonpolitical-crime bar rendered Acosta ineligible for asylum and statutory or CAT withholding of removal.
4. Whether the agency erred in denying CAT deferral of removal for failure to establish that Acosta was more likely than not to be tortured in Colombia by or with the acquiescence of public officials.
5. Whether the First Circuit had jurisdiction to review discretionary denials of a waiver of inadmissibility and cancellation of removal.
6. Whether the agency abused its discretion by denying Acosta's motion to reopen based on his sisters' new affidavit.

## **HOLDINGS**

1. An immigration judge's impatience, interjections, management of questioning, and allegedly acerbic tone did not establish deep-seated favoritism or antagonism, deny a full and fair hearing, or amount to a due process violation on this record.
2. Acosta could not challenge the agency's identity-based removability finding after his counsel conceded in the immigration court that William Usma Acosta was his true and correct name.
3. The agency's finding that Acosta procured immigration status by failing to disclose material facts about his marriage history was supported by substantial evidence and satisfied the applicable clear-and-convincing-evidence burden.
4. The agency properly denied asylum and statutory and CAT withholding because there were serious reasons to believe Acosta had committed a serious nonpolitical crime outside the United States before his arrival.
5. The agency properly denied CAT deferral because Acosta failed to establish that it was more likely than not that he would be tortured in Colombia by, at the instigation of, or with the consent or acquiescence of a public official.

6. The First Circuit lacked jurisdiction to review the immigration judge's discretionary denial of Acosta's waiver of inadmissibility.
7. The First Circuit lacked jurisdiction to review the discretionary denial of cancellation of removal.
8. The agency did not abuse its discretion by denying Acosta's motion to reopen because his sisters' affidavit was not shown to be material and would not have changed the outcome.

#### KEY QUOTATIONS

*"a party "cannot concede an issue in the [lower] court and later, on appeal, attempt to repudiate that concession and resurrect the issue. To hold otherwise would be to allow a litigant to lead a trial court down a primrose path and later, on appeal, profit from the invited error.""* (p. 36)

*"Part of the IJ's function, qua factfinder, is to sift wheat from chaff and assess the persuasive force of explanations that are offered for apparent inconsistencies.""* (p. 45)

*"Evidence isn't material "unless it has some impact on the outcome of a petitioner's underlying case.""* (p. 57)

#### FACTUAL BACKGROUND

Acosta entered the United States from Colombia in the 1990s using the identity of Carlos Alberto Rendón Castañeda after shooting his former wife and daughter in Colombia in 1994. He obtained lawful permanent resident status under the alias and later applied for naturalization, prompting fingerprint analysis that revealed his identity and a Colombian conviction in absentia for aggravated homicide and related offenses. DHS charged him with removability based on fraud and willful misrepresentation, and the immigration judge found him removable while denying asylum, withholding, CAT protection, a waiver of inadmissibility, and cancellation of removal. After removal to Colombia, Acosta sought review of the BIA's affirmance.

#### PROCEDURAL HISTORY

The Department of Homeland Security initiated removal proceedings in 2022, charging Acosta as removable for procuring lawful permanent resident status through fraud or willful misrepresentation. The immigration judge found him removable, denied all requested relief, and later issued a substantially revised decision after a BIA remand concerning factual findings, applicable circuit law, credibility, and CAT protection. The BIA affirmed the immigration judge's final decision and rejected Acosta's judicial-bias claim. The First Circuit denied the petition as to judicial bias, removability, asylum, withholding, CAT relief, and reopening, and dismissed for lack of jurisdiction the challenges to the discretionary waiver and cancellation decisions.

#### DISPOSITION

other

#### CASES CITED

- *Cabrera v. Garland*, 100 F.4th 312 (1st Cir. 2024)
- *Penafiel-Peralta v. Garland*, 115 F.4th 1 (1st Cir. 2024)

- Hernandez Lara v. Barr, 962 F.3d 45, 48 & n.3 (1st Cir. 2020)
- Samayoa v. Bondi, 146 F.4th 128, 133-34 (1st Cir. 2025)
- Mazariegos v. Lynch, 790 F.3d 280, 285, 287 (1st Cir. 2015)
- Adeyanju v. Garland, 27 F.4th 25, 33 (1st Cir. 2022)
- Gomes v. Garland, 17 F.4th 210, 212 (1st Cir. 2021)
- Morgan v. Garland, 120 F.4th 913, 924-27 (1st Cir. 2024)
- Turkson v. Holder, 667 F.3d 523, 525 n.1 (4th Cir. 2012)
- Cabrera v. Lynch, 805 F.3d 391, 394 (1st Cir. 2015)
- Patel v. Garland, 596 U.S. 328, 339, 347 (2022)
- Loja-Tene v. Barr, 975 F.3d 58, 60 (1st Cir. 2020)
- Caz v. Garland, 84 F.4th 22, 28 (1st Cir. 2023)
- Leao v. Bondi, 144 F.4th 43, 50, 52 (1st Cir. 2025)
- Ahmed v. Holder, 765 F.3d 96, 103 (1st Cir. 2014)
- Aguilar-Solís v. INS, 168 F.3d 565, 568-69 (1st Cir. 1999)
- Jobe v. INS, 238 F.3d 96, 98 n.3 (1st Cir. 2001)
- Muñoz-Monsalve v. Mukasey, 551 F.3d 1, 6 (1st Cir. 2008)
- Liteky v. United States, 510 U.S. 540, 555-56 (1994)
- Kheireddine v. Gonzales, 427 F.3d 80, 84 (1st Cir. 2005)
- United States v. Miranda-Carmona, 999 F.3d 762, 767 (1st Cir. 2021)
- Aguasvivas v. Pompeo, 984 F.3d 1047, 1049, 1058, 1063 (1st Cir. 2021)
- Mashilingi v. Garland, 16 F.4th 971, 977-78 (1st Cir. 2021)
- Zaruma-Guaman v. Wilkinson, 988 F.3d 1, 5 (1st Cir. 2021)
- Zajackauskas v. Holder, 611 F.3d 87, 89-90 (1st Cir. 2010)
- DeCarvalho v. Garland, 18 F.4th 66, 72-74 (1st Cir. 2021)
- Ang v. Gonzales, 430 F.3d 50, 59 (1st Cir. 2005)
- Zheng v. Mukasey, 546 F.3d 70, 72 (1st Cir. 2008)
- Escobar v. Holder, 698 F.3d 36, 39-40 (1st Cir. 2012)
- Perera v. Holder, 750 F.3d 25, 28 (1st Cir. 2014)
- Perez v. Holder, 740 F.3d 57, 62-63 (1st Cir. 2014)