

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Dor v. Bondi

Dor v. Bondi · No. 25-1278 · Decided December 1, 2025

SUMMARY

The First Circuit denied Jonalson Dor’s petition for review of a Board of Immigration Appeals decision finding him removable based on an August 2018 Massachusetts marijuana conviction. The court held that, under INA § 237(a)(2)(B)(i), courts must use the Controlled Substances Act definition in effect at the time of conviction, and concluded that Dor’s conviction categorically matched the federal definition then in effect.

CASE DETAILS

COURT	United States Court of Appeals for the First Circuit
WRITING FOR THE COURT	Montecalvo, Circuit Judge; Gelpí, Circuit Judge; Thompson, Circuit Judge
JURISDICTION	United States Court of Appeals for the First Circuit
DECIDED	December 1, 2025
DOCKET	25-1278
DISPOSITION	denied
PROCEDURAL POSTURE	Petition for review of a Board of Immigration Appeals decision dismissing Dor's appeal and upholding an immigration judge's removal order.
STANDARD OF REVIEW	The court generally reviews the BIA's final decision, and reviews portions of the immigration judge's decision adopted or relied upon by the BIA. Legal conclusions concerning removability are reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential First Circuit opinion
PARTIES	Jonalson Dor v. Pamela J. Bondi, Attorney General

TOPICS

- removal proceedings
- deportation
- criminal immigration
- statutory interpretation
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether, when determining whether a state controlled-substance conviction makes a noncitizen removable under INA section 237(a)(2)(B)(i), the court must compare the state statute with the federal Controlled Substances Act as it existed at the time of conviction or as it existed during the removal proceedings.
2. Whether Dor's August 2018 Massachusetts marijuana conviction was a categorical match with the federal definition of a controlled substance applicable at the time of conviction.

HOLDINGS

1. Courts must use the Controlled Substances Act definition in effect at the time of the noncitizen's conviction, rather than the version in effect during the removal proceedings.
2. Dor's August 2018 Massachusetts marijuana conviction constituted a categorical match with the federal marijuana definition in effect at the time of conviction and therefore supported removability under INA section 237(a)(2)(B)(i).

KEY QUOTATIONS

“we join the five other circuits to have considered this question and adopt the rule that the relevant CSA definition is the definition that existed at the time of conviction.” (at 2)

“Ultimately, we cannot support an interpretation that could attach new legal consequences -- including removal from this country -- to conduct that did not implicate such dire repercussions at the time of an adjudication of guilt.” (at 19)

“when evaluating whether a noncitizen is subject to removal for a controlled substance conviction under section 237(a)(2)(B)(i) of the INA, we consider the CSA as it existed at the time of the noncitizen's conviction.” (at 20)

FACTUAL BACKGROUND

Jonalson Dor, a Haitian citizen and lawful permanent resident, pleaded guilty in Massachusetts on August 6, 2018, to possession of marijuana with intent to distribute. At the time of his conviction, both Massachusetts law and the federal Controlled Substances Act included hemp within the definition of marijuana. Congress later amended the CSA, effective in December 2018, to exclude hemp from the federal marijuana definition. DHS ultimately relied on Dor's 2018 conviction as the basis for removability under the INA's controlled-substance provision.

PROCEDURAL HISTORY

The Department of Homeland Security charged Dor with removability under section 237(a)(2)(B)(i) of the Immigration and Nationality Act based on controlled-substance convictions. After Dor's prior 2016 convictions were vacated and removed from the case, DHS amended the charges to rely on his August 2018 Massachusetts

marijuana conviction. The immigration judge denied Dor's motion to terminate and ordered him removed, and the BIA dismissed his appeal. The First Circuit denied the petition for review.

DISPOSITION

denied

CASES CITED

- Adeyanju v. Garland, 27 F.4th 25 (1st Cir. 2022)
- Dor v. Garland, 46 F.4th 38 (1st Cir. 2022)
- Boulanger v. United States, 978 F.3d 24 (1st Cir. 2020)
- Ferreira v. Garland, 97 F.4th 36 (1st Cir. 2024)
- Loja-Tene v. Barr, 975 F.3d 58 (1st Cir. 2020)
- Chavez v. Garland, 51 F.4th 424 (1st Cir. 2022)
- Bonilla v. Mukasey, 539 F.3d 72 (1st Cir. 2008)
- Espinoza-Ochoa v. Garland, 89 F.4th 222 (1st Cir. 2023)
- Aldana-Ramos v. Holder, 757 F.3d 9 (1st Cir. 2014)
- Fleurimond v. Bondi, 157 F.4th 1 (1st Cir. 2025)
- Swaby v. Yates, 847 F.3d 62 (1st Cir. 2017)
- Mellouli v. Lynch, 575 U.S. 798 (2015)
- Moncrieffe v. Holder, 569 U.S. 184 (2013)
- Padilla v. Kentucky, 559 U.S. 356 (2010)
- Hinds v. Lynch, 790 F.3d 259 (1st Cir. 2015)
- United States v. Castro-Taveras, 841 F.3d 34 (1st Cir. 2016)
- Doe v. Sessions, 886 F.3d 203 (2d Cir. 2018)
- Martinez v. Attorney General, 906 F.3d 281 (3d Cir. 2018)
- Medina-Rodriguez v. Barr, 979 F.3d 738 (9th Cir. 2020)
- Gordon v. U.S. Attorney General, 962 F.3d 1344 (11th Cir. 2020)
- Salinas v. Bondi, 131 F.4th 840 (8th Cir. 2025)
- Abdulaziz v. United States, 998 F.3d 519 (1st Cir. 2021)
- Kisor v. Wilkie, 588 U.S. 558 (2019)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024)
- United States v. Mayendía-Blanco, 905 F.3d 26 (1st Cir. 2018)
- Brown v. United States, 602 U.S. 101 (2024)

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