

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Ramsay v. Bondi

No. 23-8121-ag (2d Cir. Mar. 27, 2026) · No. 23-8121-ag · Decided March 27, 2026

SUMMARY

The Second Circuit granted John Marcus Ramsay’s petition for review of the BIA’s denial of his motion to reopen or reconsider his removal order and granted his motion to stay removal. The court held that the BIA misread Ramsay’s arguments concerning the timing and significance of intervening decisions regarding the categorical overbreadth of his New York drug conviction, vacated the BIA’s order, and remanded for further consideration of equitable tolling.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	José A. Cabranes; Barrington D. Parker; Richard C. Lohier Jr.
JURISDICTION	United States Court of Appeals for the Second Circuit
DECIDED	March 27, 2026
DOCKET	23-8121-ag
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petition for review of the Board of Immigration Appeals' denial of motions to reconsider or reopen a prior removal order, together with a motion to stay removal.
STANDARD OF REVIEW	Constitutional claims and questions of law are reviewed de novo. Denial of a motion to reopen immigration proceedings, including denial based on equitable tolling, is reviewed for abuse of discretion under a highly deferential standard.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	John Marcus Ramsay v. Pamela Bondi, United States Attorney General

TOPICS

- removal proceedings
- immigration
- appellate procedure
- standard of review
- equitable relief

PRACTICE AREAS

- immigration law
- administrative law
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the BIA abused its discretion by finding that Ramsay failed to demonstrate the due diligence required for equitable tolling based on a misreading of his motions.
2. Whether the Government could affirm the BIA's decision on the alternative ground that Ramsay failed to preserve statutory overbreadth arguments before Harbin.
3. Whether Ramsay was entitled to a stay of removal during review and remand proceedings.

HOLDINGS

1. The BIA abused its discretion because it materially misread Ramsay's motions as asserting that Harbin had established that his conviction statute was categorically overbroad. Ramsay relied on Harbin for indivisibility, while Minter was the decision that held the narcotic-drug term categorically overbroad.
2. Reasonable diligence did not require Ramsay to raise arguments that the BIA had unequivocally rejected as meritless before the law changed to recognize a basis for relief.

KEY QUOTATIONS

“To the extent the BIA read Ramsay’s motions as asserting that Harbin eliminated the basis for Ramsay’s initial removal order, we find that it misread and misunderstood those motions.” (6)

“Reasonable diligence does not require Ramsay to raise arguments that the BIA has unequivocally rejected as having no merit.” (7)

“We thus conclude that the BIA abused its discretion when it relied on Ramsay’s motions for the proposition that Harbin “constituted a fundamental change of law,” Admin. Rec. at 4, since his motions made no such assertion.” (7)

FACTUAL BACKGROUND

Ramsay, a Jamaican national and longtime lawful permanent resident, was charged as removable based on a 1996 New York conviction for attempted sale of a narcotic drug. He was deported to Jamaica in April 2007. After the Second Circuit held in *Minter* that the New York narcotic-drug definition was categorically overbroad compared with the federal Controlled Substances Act, Ramsay moved within thirty days to reconsider or reopen his removal order. The BIA denied the motions for lack of due diligence, reasoning that Ramsay should have acted after the earlier decision in *Harbin*.

PROCEDURAL HISTORY

Ramsay was removed to Jamaica in 2007 after being charged as removable based on a New York narcotics conviction. Following the Second Circuit's 2023 decision in *United States v. Minter*, Ramsay moved the BIA to reconsider or reopen his removal order. The BIA denied the motions, concluding that he had not exercised the due diligence required for equitable tolling. The Second Circuit granted the petition for review and motion to stay, vacated the BIA's order concerning the statutory motions, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The BIA's order concerning Ramsay's statutory motions to reconsider and reopen is vacated. The BIA must reconsider whether, in light of *Minter*, Ramsay is entitled to equitable tolling, consistent with the opinion.

CASES CITED

- *United States v. Minter*, 80 F.4th 406, 411-12 (2d Cir. 2023)
- *Luna v. Holder*, 637 F.3d 85, 102 (2d Cir. 2011)
- *Garcia Pinach v. Bondi*, 147 F.4th 117, 128 (2d Cir. 2025)
- *Jin Bo Zhao v. INS*, 452 F.3d 154, 157 (2d Cir. 2006) (per curiam)
- *Lozano v. Montoya Alvarez*, 572 U.S. 1, 10 (2014)
- *Holland v. Florida*, 560 U.S. 631, 653-54 (2010)
- *Harbin v. Sessions*, 860 F.3d 58, 68 (2d Cir. 2017)
- *Perez v. Bondi*, 166 F.4th 327, 333 (2d Cir. 2026)
- *Bent v. Garland*, 115 F.4th 934, 942 (9th Cir. 2024)