

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Md Farid Uddin v. Todd Blanche

Uddin · No. No. 24-1067 · Decided June 5, 2026

SUMMARY

The Fourth Circuit held that a New Jersey conviction for knowingly storing or maintaining child sexual abuse material on a file-sharing program categorically qualifies as a crime of child abuse under the Immigration and Nationality Act. The court applied the version of the New Jersey statute in effect when the conduct occurred and concluded that the offense creates a reasonable probability of harm to a child. The court dismissed for lack of jurisdiction the challenge to the agency’s discretionary denial of cancellation of removal and adjustment of status.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Judge Richardson; Judge Wilkinson; Judge Heytens
JURISDICTION	United States Court of Appeals for the Fourth Circuit
DECIDED	June 5, 2026
DOCKET	No. 24-1067
DISPOSITION	other
PROCEDURAL POSTURE	Petition for review of a Board of Immigration Appeals decision affirming an immigration judge's determination that Uddin was removable and the discretionary denial of his applications for cancellation of removal and adjustment of status with a waiver of inadmissibility.
STANDARD OF REVIEW	The court reviewed de novo whether Uddin's conviction categorically qualified as a crime of child abuse. It lacked jurisdiction to review the agency's discretionary denial of cancellation of removal and adjustment of status, except for reviewable questions of law.
PRECEDENTIAL VALUE	published
PARTIES	Md Farid Uddin v. Todd Blanche, Acting Attorney General

TOPICS

criminal immigration

removal proceedings

cancellation of removal

adjustment of status

appellate jurisdiction

PRACTICE AREAS

immigration law

removal proceedings

criminal immigration law

administrative law

appellate jurisdiction

QUESTIONS PRESENTED

1. Whether Uddin's conviction under the 2017 version of N.J. Stat. Ann. § 2C:24-4(b)(5)(a)(iii) categorically qualifies as a crime of child abuse under 8 U.S.C. § 1227(a)(2)(E)(i).
2. Whether the categorical analysis should apply the version of the New Jersey statute in effect when Uddin committed the offense or the amended version in effect at the time of his conviction.
3. Whether the Fourth Circuit had jurisdiction to review the agency's discretionary denial of cancellation of removal and adjustment of status with a waiver of inadmissibility.

HOLDINGS

1. The court must apply the version of the New Jersey statute in effect when Uddin committed the offense because that version defines the offense of which he was convicted.
2. A conviction under the 2017 version of N.J. Stat. Ann. § 2C:24-4(b)(5)(a)(iii) categorically qualifies as a crime of child abuse under the INA because even the minimum conduct criminalized by the statute creates a reasonable probability of harm to a child.
3. The court lacked jurisdiction to review Uddin's challenge to the agency's discretionary denial of cancellation of removal and adjustment of status because he identified no reviewable question of law and instead challenged the agency's weighing of equities.

KEY QUOTATIONS

“That conduct creates a reasonable probability that the material will circulate and injure the children depicted.” (slip op. at 2)

“The least of the acts prohibited by the statute—maintaining files on a publicly available network—meets Cruz’s requirement of a “reasonable probability of harm” even if no one ever downloads a file.” (slip op. at 9)

“Even the least culpable conduct covered by the statute creates a “reasonable probability” of harm to the depicted child.” (slip op. at 12)

FACTUAL BACKGROUND

Md Farid Uddin, a Bangladeshi native and Canadian citizen, was a lawful permanent resident living in New Jersey. He pleaded guilty to violating the 2017 version of N.J. Stat. Ann. § 2C:24-4(b)(5)(a)(iii) by knowingly storing or maintaining at least twenty-five items depicting the sexual exploitation or abuse of a child on a file-

sharing program designated as available for searching or copying by other computers. After serving his sentence and registering as a sex offender, he was detained by immigration authorities and placed in removal proceedings.

PROCEDURAL HISTORY

Uddin, a lawful permanent resident, pleaded guilty in New Jersey to knowingly storing or maintaining at least twenty-five items depicting the sexual exploitation or abuse of a child on a file-sharing program available for searching or copying by other computers. After he served his sentence, the Department of Homeland Security initiated removal proceedings. The immigration judge found him removable for having committed a crime of child abuse and denied cancellation of removal and adjustment of status with a waiver as a matter of discretion. The Board of Immigration Appeals affirmed in its own opinion, and Uddin petitioned the Fourth Circuit for review. The court denied the petition in part and dismissed it in part.

DISPOSITION

other

CASES CITED

- *Herrera-Alcala v. Garland*, 39 F.4th 233, 242-44 (4th Cir. 2022)
- *Esquivel-Quintana v. Sessions*, 581 U.S. 385, 389 (2017)
- *Cruz v. Garland*, 101 F.4th 361, 364-69 (4th Cir. 2024)
- *Thompson v. Barr*, 922 F.3d 528, 531 (4th Cir. 2019)
- *Gonzales v. Duenas-Alvarez*, 549 U.S. 183, 193 (2007)
- *Cucalon v. Barr*, 958 F.3d 245, 252 n.3 (4th Cir. 2020)
- *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759, 766 n.6 (1969)
- *SEC v. Chenery Corp.*, 318 U.S. 80, 88 (1943)
- *Calcutt v. FDIC*, 598 U.S. 623, 629-30 (2023)
- *Morgan Stanley Cap. Grp. Inc. v. Pub. Util. Dist. No. 1*, 554 U.S. 527, 544-45 (2008)
- *FDA v. Wages & White Lion Invs., LLC*, 604 U.S. 542, 589 (2025)
- *United States v. McLeod*, 808 F.3d 972, 976 n.* (4th Cir. 2015)
- *Carmell v. Texas*, 529 U.S. 513, 521-22 (2000)
- *State v. Higginbotham*, 313 A.3d 847, 859 (N.J. 2024)
- *Salmoran v. Attorney General*, 909 F.3d 73, 75 n.1 (3d Cir. 2018)
- *Cintron v. U.S. Attorney General*, 882 F.3d 1380, 1384 n.5 (11th Cir. 2018)
- *United States v. Titties*, 852 F.3d 1257, 1262 n.2 (10th Cir. 2017)
- *Munoz-Ruvalcaba v. Holder*, 585 F. App'x 387 (9th Cir. 2014)
- *Hsieh v. Bondi*, 139 F.4th 337, 340, 342-44 (4th Cir. 2025)
- *Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd.*, 545 U.S. 913, 919-20 (2005)
- *United States v. Stitz*, 877 F.3d 533, 538 (4th Cir. 2017)
- *State v. Lyons*, 9 A.3d 596, 597-98 (N.J. Super. Ct. App. Div. 2010)

- Riley v. California, 573 U.S. 373, 397 (2014)
- United States v. Weast, 811 F.3d 743, 748 (5th Cir. 2016)
- State v. Debiasse, No. A-2516-22, 2025 WL 209900, at *1, *5-6 (N.J. Super. Ct. App. Div. Jan. 16, 2025)
- New York v. Ferber, 458 U.S. 747, 758-59 nn.9-10 (1982)
- Paroline v. United States, 572 U.S. 434, 439-40 (2014)
- United States v. Williams, 5 F.4th 500, 507 (4th Cir. 2021)
- United States v. Sanders, 107 F.4th 223, 233 (4th Cir. 2024)
- A.H. v. State, 949 So. 2d 234, 236-39 (Fla. Dist. Ct. App. 2007)
- United States v. Streett, 434 F. Supp. 3d 1125, 1137-38, 1189-90 (D.N.M. 2020)
- State ex rel. A.B., 744 A.2d 709, 711 (N.J. Super. Ct. Ch. Div. 1999)
- Ashcroft v. Free Speech Coal., 535 U.S. 234, 242, 250 (2002)
- United States v. Anderson, 759 F.3d 891, 896 (8th Cir. 2014)
- Shoemaker v. Taylor, 730 F.3d 778, 786 (9th Cir. 2013)
- United States v. Hotaling, 634 F.3d 725, 728 (2d Cir. 2011)
- Patel v. Garland, 596 U.S. 328, 339 (2022)
- Wilkinson v. Garland, 601 U.S. 209, 212 (2024)
- Gomis v. Holder, 571 F.3d 353, 358 (4th Cir. 2009)