

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1604

RICARDO ACOSTA GASPAR,

Petitioner,

v.

MERRICK B. GARLAND, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: February 28, 2023

Decided: April 3, 2023

Before NIEMEYER and RICHARDSON, Circuit Judges, and FLOYD, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

ON BRIEF: Zoila Catalina Velasquez, LAW OFFICE OF ZOILA C. VELASQUEZ, Charlotte, North Carolina, for Petitioner. Brian Boynton, Principal Deputy Assistant Attorney General, Cindy S. Ferrier, Assistant Director, Timothy G. Hayes, Senior Litigation Counsel, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ricardo Acosta Gaspar, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (Board) adopting and affirming the Immigration Judge's (IJ) decision denying Gaspar's application for cancellation of removal under 8 U.S.C. § 1229b(b)(1). The IJ concluded that Gaspar's application failed because he did not establish that his removal to Mexico would result in exceptional and extremely unusual hardship to his United States citizen children. We deny the petition for review.

The Attorney General “‘*may* cancel removal’ of an applicant who meets four statutory criteria: 1) that the applicant has been physically present in the United States for at least ten continuous years, 2) that the applicant had been a person ‘of good moral character’ during that ten-year period, 3) that the applicant had not committed certain enumerated offenses, and 4) that the applicant ‘establishes that removal would result in exceptional and extremely unusual hardship to the [applicant’s citizen or lawful permanent resident] spouse, parent, or child[ren].’” *Gonzalez Galvan v. Garland*, 6 F.4th 552, 557 (4th Cir. 2021) (alterations in original) (quoting 8 U.S.C. § 1229b(b)(1)). In *Gonzalez Galvan*, we held that the IJ’s ruling that an applicant has not met the exceptional and extremely unusual hardship requirement of § 1229b(b)(1) is a mixed question of law and fact that we possess jurisdiction to review under 8 U.S.C. § 1252(a)(2)(D). *Id.* at 560. But in performing that review, we may not disturb “the IJ’s factual findings related to the hardship determination,” and we assess only whether “the IJ erred in holding that [the] evidence failed as a matter of law to satisfy the statutory standard of exceptional and

extremely unusual hardship.” *Id.* at 561 (internal quotation marks omitted). Our review of that legal question is de novo. *Id.*

After reviewing the record, we are satisfied that the IJ “applied the correct statutory standard, considered all the evidence, and adequately explained the reasons for his ruling.” *Id.* We therefore conclude that the IJ did not commit an error of law in denying Gaspar’s application for cancellation of removal. Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED