

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3440

CARLOS ALBERTO FUNES-COREAS,
Petitioner

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

On Petition for Review of an Order of the
Board of Immigration Appeals
(Agency No. A206-564-395)
Immigration Judge: Richard Bailey

Submitted Pursuant to Third Circuit LAR 34.1(a)
August 21, 2026

Before: MATEY, MONTGOMERY-REEVES, and NYGAARD, *Circuit Judges*

(Opinion filed: August 24, 2026)

OPINION*

PER CURIAM

Carlos Funes-Coreas petitions for review of his final order of removal. We will
dismiss the petition.

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not
constitute binding precedent.

I.

Funes-Coreas was born in El Salvador and entered the United States with his mother when he was a child. He obtained a green card in 2015 by virtue of his marriage to his first wife, and he started dating his current wife, Leezued Rodriguez Carattini, that same year. In 2020, Rodriguez's daughter told police that Funes-Coreas had sexually abused her three years earlier, when she was 15.¹ A York County jury found him guilty of indecent assault and corruption of minors under Pennsylvania law, and the Court of Common Pleas sentenced him to less than 24 months' imprisonment. The Superior Court of Pennsylvania affirmed. *See Commonwealth v. Funes Coreas*, No. 268 MDA 2024, 2024 WL 5088427, at *4 (Pa. Super. Ct. Dec. 12, 2024).

In March 2025, the Department of Homeland Security sought Funes-Coreas's removal under, *inter alia*, 8 U.S.C. § 1227(a)(2)(A)(i), which provides for the removal of noncitizens who commit crimes involving moral turpitude. An immigration judge continued the proceedings several times to allow him to obtain counsel and to see if U.S. Citizenship and Immigration Services would approve Rodriguez's I-130 Petition for Alien Relative, which the judge explained was a prerequisite to him applying for adjustment of status. He was unable to obtain an attorney, and USCIS denied Rodriguez's petition. She had not appealed that decision by the time the removal proceedings reconvened.

¹ Rodriguez denied her child's accusations at trial and maintains that they are false.

With no available basis for relief,² the immigration judge determined that Funes-Coreas was removable due to his indecent assault conviction and ordered him removed to El Salvador. He appealed *pro se*, but the only issue he raised in his notice of appeal was that his wife's visa petition was denied for want of evidence demonstrating that their marriage was bona fide, which Funes-Coreas said was "being submitted." *See* C.A. Doc. 9 at 115. The Board of Immigration Appeals dismissed Funes-Coreas's appeal in a single-judge opinion, observing that he had waived any challenge to the removability determination by not meaningfully disputing it. Insofar as he challenged the denial of the visa petition Rodriguez filed on his behalf, the BIA declined to address his argument because visa proceedings are distinct from removal proceedings. Funes-Coreas timely filed a petition for review.

II.

We have jurisdiction under 8 U.S.C. § 1252(a)(1). We review the BIA's opinion alone because it did not adopt or substantially rely upon the IJ's decision. *See Nunez v. Att'y Gen.*, 35 F.4th 134, 138 (3d Cir. 2022). Legal issues are reviewed *de novo*, *Galeas Figueroa v. Att'y Gen.*, 998 F.3d 77, 93 (3d Cir. 2021), while waiver (or forfeiture)

² The immigration judge observed that Funes-Coreas was not eligible for adjustment of status based upon his second marriage in the absence of an approved I-130 petition; his conviction rendered him ineligible for cancellation of removal; and he previously had disclaimed having experienced any past harm or fear of future harm in El Salvador, undermining any claim for asylum, withholding, or Convention Against Torture protections.

determinations are reviewed for abuse of discretion, *Sanchez v. Att’y Gen.*, 147 F.4th 348, 352 (3d Cir. 2025); *Uddin v. Att’y Gen.*, 870 F.3d 282, 288 (3d Cir. 2017).

III.

Funes-Coreas forfeited any argument he might have had to contest his removability due to his criminal conviction because he did not raise one in his BIA appeal. *See Sanchez*, 147 F.4th at 352. The government correctly notes that his forfeiture also means that he failed to exhaust his administrative remedies. *See Aguilar v. Att’y Gen.*, 107 F.4th 164, 168-69 (3d Cir. 2024) (explaining that enforcement of exhaustion requirement is mandatory if a party timely invokes it). Funes-Coreas likewise failed to raise any challenge to the BIA’s forfeiture or removability determinations in his brief to this Court, thereby forfeiting them in this forum as well. *See Khan v. Att’y Gen.*, 691 F.3d 488, 495 n.4 (3d Cir. 2012).

The sole argument Funes-Coreas raises in this appeal is that the immigration judge should have continued his removal proceedings again to allow his wife time to appeal the denial of her visa petition. The government rejoins that he neither requested a continuance nor mentioned the need for one in his BIA appeal, and thus he has failed to exhaust this issue, too. Our exhaustion policy is “liberal,” *Hoxha v. Holder*, 559 F.3d 157, 163 (3d Cir. 2009), and exhaustion will be satisfied “so long as an immigration petitioner makes some effort, however insufficient, to place the Board on notice of a straightforward issue being raised on appeal,” *Yan Lan Wu v. Ashcroft*, 393 F.3d 418, 422 (3d Cir. 2005). Still, we expect the petitioner to “set forth sufficient facts and law to inform the BIA of the basis for the appeal,” *Hoxha*, 559 F.3d at 163, and “we will not

require the BIA to guess which issues have been presented and which have not,” *Lin v. Att’y Gen.*, 543 F.3d 114, 122 (3d Cir. 2008).

The clearest argument of any kind Funes-Coreas made to the BIA was in his notice of appeal, which at best can be construed as contesting the denial of Rodriguez’s I-130 petition. It should come as no surprise, then, that the BIA addressed—or declined to address, as it were—that narrow issue. The BIA and courts alike have a duty to liberally construe *pro se* filings in immigration cases, *see Higgs v. Att’y Gen.*, 655 F.3d 333, 339-40 (3d Cir. 2011), but nothing Funes-Coreas filed before petitioning this Court for review so much as hinted that the immigration judge had erred, let alone should have granted a continuance. If that was his intent, we do not fault the BIA for failing to divine it.

Funes-Coreas failed to exhaust his administrative remedies in all respects. Accordingly, we will dismiss his petition *in toto*.