NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3553

EDWIN REYES,
Petitioner

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

On Petition for Review of an Order of the
Board of Immigration Appeals
(Agency No. A041-747-738)
Immigration Judge: William H. McDermott

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 28, 2026
Before: PORTER, MONTGOMERY-REEVES, and BOVE, *Circuit Judges*

(Opinion filed November 6, 2026)

OPINION*

PER CURIAM

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

Edwin Reyes petitions *pro se* for review of his final order of removal. We will deny the petition.

I.

Reyes, a native of the Dominican Republic, has been a lawful permanent resident since his admission to the United States in 1998. Agents of the Drug Enforcement Administration arrested him in June 2017 for drug-trafficking offenses. He cooperated with investigators over the ensuing year, including by putting a confidential source in touch with a Hartford, Connecticut, fentanyl dealer who later was prosecuted along with two associates. For that assistance, Reyes believes he was targeted for reprisal. Both his car and his mother's home where he temporarily resided were shot up on separate occasions in 2020; the shooters have never been identified. Reyes ultimately squandered any goodwill he had engendered by repeatedly engaging in fraud and other criminal behavior—like stealing from his employer and absconding to Texas to live under a false identity for six months—while on pretrial release. The United States District Court for the District of Connecticut sentenced him to 72 months in prison in April 2023 after he pleaded guilty to conspiring to distribute and possess with intent to distribute one kilogram or more of heroin and fentanyl in violation of 21 U.S.C. § 846 and § 841(a)(1), (b)(1)(A)(i).

Following Reyes's conviction, the Department of Homeland Security initiated removal proceedings under, *inter alia*, 8 U.S.C. § 1227(a)(2)(A)(iii), which provides for

the removal of noncitizens who commit aggravated felonies. Reyes conceded the fact of his conviction, but told an immigration judge that he feared being removed to the Dominican Republic because he believed some of the people against whom he cooperated are there and might seek to do him harm. The IJ determined that Reyes was removable and ineligible for asylum and withholding of removal due to his conviction, denied his request for relief under the Convention Against Torture, and ordered him removed to the Dominican Republic. Reyes appealed *pro se*, challenging the IJ's finding that he had been convicted of an aggravated felony and the denial of CAT relief. The Board of Immigration Appeals dismissed the appeal in a single-judge opinion. It agreed with the IJ's aggravated-felony analysis and concluded that the denial of CAT relief was not clearly erroneous. Reyes filed a petition for review.[1]

II.

We have jurisdiction pursuant to 8 U.S.C. § 1252(a)(1). We consider the BIA's decision and the portions of the IJ's opinion that the BIA adopted or substantially relied upon. *See Patel v. Att'y Gen.*, 599 F.3d 295, 297 (3d Cir. 2010) (*per curiam*). Legal issues are reviewed *de novo*, while factual findings with respect to the denial of CAT

[1] The Government concedes that the petition is timely. *See Houston v. Lack*, 487 U.S. 266, 276 (1988); Fed. R. App. P. 25(a)(2)(A)(iii); *Arango-Aradondo v. I.N.S.*, 13 F.3d 610, 612 (2d Cir. 1994) (applying prison mailbox rule to petition for review of BIA order); *see also Riley v. Bondi*, 606 U.S. 259, 263 (2025) (holding that the 30-day filing deadline under 8 U.S.C. § 1252(b)(1) is a non-jurisdictional claims-processing rule); *id.* at 273 (noting that non-jurisdictional issues are forfeitable if a party fails to raise them) (citation omitted).

relief are reviewed for substantial evidence. *Galeas Figueroa v. Att'y Gen.*, 998 F.3d 77, 93 (3d Cir. 2021). Under the latter standard, "[t]he agency's 'findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.'" *Nasrallah v. Barr*, 590 U.S. 573, 584 (2020) (quoting 8 U.S.C. § 1252(b)(4)(B)).

III.

Reyes raises numerous arguments in his *pro se* brief. None is persuasive. His principal contention is that his conviction for conspiring to traffic drugs does not constitute an aggravated felony. He is mistaken, and his reliance on *Quinteros v. Attorney General*, 945 F.3d 772 (3d Cir. 2019), is misplaced because that case did not involve a drug-trafficking conspiracy. The Immigration and Nationality Act expressly provides that aggravated felonies include "a drug trafficking crime (as defined in section 924(c) of Title 18)." 8 U.S.C. § 1101(a)(43)(B). Section 924(c), in turn, defines the operative phrase as covering, among other offenses, "any felony punishable under the Controlled Substances Act (21 U.S.C. § 801 *et seq.*)." 18 U.S.C. § 924(c)(1)(D)(2). Reyes has never disputed that he pleaded guilty to conspiring to distribute or possess with intent to distribute controlled substances—conduct explicitly proscribed by the CSA. *See*

21 U.S.C. § 846; *see also id.* § 841(a)(1), (b)(1)(A)(i). Thus, his offense unquestionably is an aggravated felony subjecting him to removal.[2]

The IJ also applied the correct legal standards in assessing Reyes's CAT claim and addressed all of his (mostly speculative) evidence in reaching the adverse conclusions he now contests. Chief among those conclusions is that Reyes failed to corroborate his assertion that he likely would be tortured if removed to his birth country. Reyes did not proffer testimony or affidavits from his mother or sister, for example, both of whom he said could testify about threats directed toward him, nor did he supply police reports of the drive-by shootings.[3] Save for discrete instances of abuse directed toward individuals of Haitian descent, which Reyes is not, the IJ found no evidence that the Dominican government engages in human rights violations or condones such conduct when committed by private parties. In the IJ's view, Reyes's fear largely was driven by a series of unlikely suppositions: that the individuals he believes (but cannot prove) targeted him in Connecticut could find him in the Dominican Republic; that they still wish to harm him; that the harms they seek to inflict would amount to torture; and that state authorities

---

[2] Contrary to Reyes's claim, the IJ did not "*sua sponte* add[]" the substantive firearms offense covered by Section 924(c) "as an independent basis for [his] removal." *See* C.A. Doc. 16 at 15. Rather, the IJ correctly cited that provision for the statutory definition of "drug trafficking crime."

[3] Reyes submitted those police reports for the first time in this proceeding by attaching them to his reply brief in support of his motion for a stay of removal. Our scope of review is limited to "the administrative record on which the order of removal is based." 8 U.S.C. § 1252(b)(4)(A).

would assist them or turn a blind eye. The IJ reasoned that Reyes could safely relocate to the Punta Cana region or another area frequented by tourists, where his English fluency and employment history would enable him to find work in the service industry. The agency's factual findings are supported by substantial evidence, and we discern no legal error.

Reyes next challenges as due process violations the BIA's refusal to appoint a three-member panel and what he contends is its insufficiently detailed analysis. We previously rejected a facial challenge to the regulations permitting a single BIA judge to rule in immigration cases. *See Dia v. Ashcroft*, 353 F.3d 228, 238 (3d Cir. 2003) (*en banc*). Although we have left open the possibility of as-applied challenges to the use of single-judge panels, *see Smriko v. Ashcroft*, 387 F.3d 279, 292-97 (3d Cir. 2004), Reyes's argument is unavailing because his appellate issues squarely were foreclosed under the INA's plain language and longstanding Third Circuit precedent. Nothing else about this case suggests that a lone BIA judge could not resolve his relatively straightforward appeal. Moreover, we reiterate that the BIA is not obliged to "write an exegesis on every contention." *Filja v. Gonzales*, 447 F.3d 241, 256 (3d Cir. 2006) (citation omitted). We are satisfied that the BIA addressed all of the arguments it needed to address "in terms sufficient to enable [us] to perceive that it has heard and thought and not merely reacted." *Id.* (citation omitted).

Lastly, we reject Reyes's assertion that the resolution of his appeal by a temporary appellate BIA judge violated the Appointments Clause. *See Duenas v. Garland*, 78 F.4th 1069, 1074 (9th Cir. 2023) (stating that "the appointment and removal process for Immigration Judges and members of the BIA comports with Article II of our Constitution"); *cf. Bernardo-De La Cruz v. Garland*, 114 F.4th 883, 890-92 (7th Cir. 2024) (rejecting constitutional challenge to appointment of temporary BIA judge). Accordingly, we will deny Reyes's petition for review.