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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PURESA LOZOYA VAZQUEZ,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 07-73321

Agency No. A070-033-381

MEMORANDUM\*

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

Submitted January 15, 2013\*\*

Before: SILVERMAN, BEA, and NGUYEN, Circuit Judges.

Puresa Lozoya Vazquez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s decision denying her applications for withholding of removal and relief under the Convention Against Torture (“CAT”). We have jurisdiction

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

under 8 U.S.C. § 1252. We review for abuse of discretion the agency's determination that an alien was convicted of a particularly serious crime. *Arbid v. Holder*, 700 F.3d 379, 383 (9th Cir. 2012). We review for substantial evidence the agency's factual findings. *Wakkary v. Holder*, 558 F.3d 1049, 1056 (9th Cir. 2009). We deny the petition for review.

The agency did not abuse its discretion when it determined that Lozoya Vazquez's conviction is a particularly serious crime that renders her ineligible for withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(B)(ii); *Miguel-Miguel v. Gonzales*, 500 F.3d 941, 946-49 (9th Cir. 2007) (drug trafficking felonies presumptively constitute particularly serious crimes).

Substantial evidence supports the agency's determination that Lozoya Vazquez failed to establish it is more likely than not that she would be tortured if she returned to Mexico. *See Wakkary*, 558 F.3d at 1067-68.

**PETITION FOR REVIEW DENIED.**