

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 20 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUAN JOSE ACEVEDO-ALVAREZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-72721

Agency No. A094-372-990

MEMORANDUM*

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

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Juan Jose Acevedo-Alvarez, a native and citizen of Nicaragua, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for protection under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C.

* 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).

§ 1252. We review for substantial evidence the agency's denial of relief under CAT, *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008), and we deny the petition for review.

Substantial evidence supports the agency's denial of Acevedo-Alvarez's CAT claim because he failed to demonstrate it is more likely than not he would be tortured by or with the consent or acquiescence of the Nicaraguan government if returned. *See id.* at 1073; *see also Go v. Holder*, 640 F.3d 1047, 1054 (9th Cir. 2011) (concluding country reports and petitioner's credible testimony were insufficient to compel the conclusion that petitioner met his burden of proof for CAT). Accordingly, Acevedo-Alvarez's CAT claim fails.

PETITION FOR REVIEW DENIED.