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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CESAR CRUZ-MENDEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 12-72644

Agency No. A092-514-431

MEMORANDUM*

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

Submitted June 12, 2014**

Before: McKEOWN, WARDLAW, and M. SMITH, Circuit Judges.

Cesar Cruz-Mendez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for deferral of removal 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 factual findings. *Delgado v. Holder*, 563 F.3d 863, 874 (9th Cir. 2009). We grant the petition for review, and remand.

In denying Cruz-Mendez’s CAT claim, the BIA erred in failing to discuss the country conditions evidence in the record. *See Aguilar-Ramos v. Holder*, 594 F.3d 701, 705 & n.6 (9th Cir. 2010) (“The government does not dispute that the BIA failed to mention the Country Report in its decision.”). Thus, we grant the petition for review and remand for the BIA to do so in the first instance. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

PETITION FOR REVIEW GRANTED; REMANDED.