

JUN 30 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSUE MARIN-MOLINA, a.k.a. Joshue Marin Molina,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 12-72617

Agency No. A078-085-700

MEMORANDUM*

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

Submitted June 25, 2014**

Before: HAWKINS, TALLMAN, and NGUYEN, Circuit Judges.

Josue Marin-Molina, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s decision denying his application for deferral of removal under

* 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).

the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, *Singh v. Gonzales*, 439 F.3d 1100, 1113 (9th Cir. 2006), and we deny the petition for review.

Marin-Molina does not claim he was tortured in the past, but fears torture in Mexico primarily due his grandfather’s anti-drug activities as municipal president over 20 years ago, and because he has tattoos. Substantial evidence supports the agency’s denial of Marin-Molina’s CAT claim because he failed to establish it is more likely than not he would be tortured if returned to Mexico. *See Zheng v. Holder*, 644 F.3d 829, 835-36 (9th Cir. 2011) (concluding the record did not compel reversal of the agency’s denial of CAT where the petitioner’s claims of possible torture remained speculative). We reject Marin-Molina’s contentions that the agency ignored evidence, *see Almaghzar v. Gonzales*, 457 F.3d 915, 922 (9th Cir. 2006), or otherwise erred in analyzing his claim.

PETITION FOR REVIEW DENIED.