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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FREDDY MARTIN DAVILA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 12-73577

Agency No. A078-054-504

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.

Freddy Martin Davila, a native and citizen of Nicaragua, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from the immigration judge’s decision denying his application for deferral of removal under CAT. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

substantial evidence the agency's factual findings. *Blandino-Medina v. Holder*, 712 F.3d 1338, 1348 (9th Cir. 2013). We deny the petition for review.

Substantial evidence supports the BIA's conclusion that Davila failed to demonstrate it was more likely than not he would be subjected to torture if returned to Nicaragua. *See id.* (upholding denial of CAT relief where petitioner presented a series of worst-case scenarios rather than presenting hard evidence of a clear probability of torture based on family's previous association with the Somoza regime); *see also Robleto-Pastora v. Holder*, 591 F.3d 1051, 1058 (9th Cir. 2010) (affirming denial of CAT relief where petitioner presented "no evidence" of a likelihood of torture in Nicaragua.). We reject Davila's attempts to distinguish *Blandino-Medina* and *Robleto-Pastora*, and we reject his contention that the BIA failed to consider his and his mother's testimony.

PETITION FOR REVIEW DENIED.