

SEP 12 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LUIZ MAURILIO DE SOUZA,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

No. 11-71171

Agency No. A078-932-435

MEMORANDUM*

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

Submitted February 27, 2014**
San Francisco, California

Before: HAWKINS, TASHIMA, and THOMAS, Circuit Judges.

Luiz Maurilio de Souza petitions for review of the Board of Immigration Appeals' ("BIA") decision affirming an Immigration Judge's ("IJ") denial of his claims for withholding of removal and relief under the Convention Against Torture

* 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).

“CAT”). We deny the petition for review. Because the parties are familiar with the history of this case, we need not recount it here.

When, as here, the BIA adopts an IJ’s reasoning, we review both decisions. *Paramasamy v. Ashcroft*, 295 F.3d 1047, 1050 (9th Cir. 2002). We review questions of law de novo. *Cordoba v. Holder*, 726 F.3d 1106, 1113 (9th Cir. 2013). “[T]he BIA’s purely factual determinations [are reviewed] for substantial evidence.” *Id.* The BIA’s determination of eligibility will stand unless “no reasonable factfinder could find the petitioner ineligible for [relief].” *Lim v. INS*, 224 F.3d 929, 933 (9th Cir. 2000).

With respect to his claim for withholding of removal, substantial evidence supports the agency’s finding that Maurilio de Souza did not establish past persecution. *See id.* at 933-36. Further, the record does not compel the conclusion that Maurilio de Souza demonstrated that it is more likely than not that he will be persecuted by or with the acquiescence of the Brazilian government.¹ *Id.* at 938.

Finally, substantial evidence supports the agency’s denial of CAT relief because Maurilio de Souza did not show a likelihood greater than fifty percent that he will be tortured by or with the acquiescence of the Brazilian government upon returning to Brazil. *Wakkary v. Holder*, 558 F.3d 1049, 1068 (9th Cir. 2009).

PETITION DENIED.

¹Because we affirm the BIA on the lack of past or future persecution, we do not reach the social group issue.