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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAIME GUTIERREZ-DELREAL, a.k.a. Jaime Gutierrez, a.k.a. Jaime Delreal,</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>

No. 12-71698

Agency No. A088-737-018

MEMORANDUM*

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

Submitted September 23, 2014**

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Jaime Gutierrez-Delreal, 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 claim for humanitarian asylum, withholding of removal, and protection 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 have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *Ayala v. Holder*, 640 F.3d 1095, 1097 (9th Cir. 2011) (per curiam). We deny the petition for review.

Gutierrez-Delreal does not challenge the agency’s determination that his application for asylum was time-barred. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party’s opening brief are waived). Thus, we deny the petition as to Gutierrez-Delreal’s asylum claim.

Further, Gutierrez-Delreal has not challenged the agency’s determination that he failed to establish that a protected ground was or would be at least one central reason for the harm he fears. *See id.* Because the BIA’s nexus determination is dispositive of Gutierrez-Delreal’s humanitarian asylum and withholding of removal claims, we deny the petition as to these claims.

Finally, substantial evidence supports the denial of CAT relief because Gutierrez-Delreal failed to establish that it is more likely than not he will be tortured by or with the consent or acquiescence of the government of Mexico if he is returned. *See Zheng v. Holder*, 644 F.3d 829, 835-36 (9th Cir. 2011).

PETITION FOR REVIEW DENIED.