

**FILED**

DEC 09 2015

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**NOT FOR PUBLICATION**  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

**CARLOS SOTO MORENO,**

Petitioner,

v.

**LORETTA E. LYNCH, Attorney  
General,**

Respondent.

No. 14-72395

Agency No. A200-281-528

**MEMORANDUM\***

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

Submitted December 7, 2015\*\*  
San Francisco, California

Before: **KOZINSKI, BYBEE** and **CHRISTEN**, Circuit Judges.

The Board of Immigration Appeals (“BIA”) “erred in assuming that recent anti-discrimination laws in Mexico have made life safer for transgender individuals while ignoring significant record evidence of violence targeting them.” Avendano-

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Hernandez v. Lynch, 800 F.3d 1072, 1075 (9th Cir. 2015). On remand, the BIA shall take into consideration the dangers faced by transgender women in Mexico when reviewing Ms. Soto's application for asylum, withholding of removal and protection under the Convention Against Torture.

We **GRANT** Ms. Soto's petition and **REMAND** for further proceedings consistent with this disposition and Avendano-Hernandez.