

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 26 2016

FOR THE NINTH CIRCUIT

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

DANIEL RODRIGUEZ-SANCHEZ,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-73867

Agency No. A206-149-317

MEMORANDUM*

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

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Daniel Rodriguez-Sanchez, 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 ("IJ") decision denying his application for 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. *Brezilien v. Holder*, 569 F.3d 403, 411 (9th Cir. 2009). We grant the petition for review, and we remand.

In affirming the IJ's denial of relief, the BIA did not address past persecution. *See Brezilien*, 569 F.3d at 412. Thus, we grant the petition for review and remand Rodriguez-Sanchez's withholding of removal and CAT claims to the agency for further proceedings consistent with this disposition. *See INS v.*

Ventura, 537 U.S. 12, 16-18 (2002) (per curiam). In light of our disposition, we do not reach Rodriguez-Sanchez's other contentions.

PETITION FOR REVIEW GRANTED; REMANDED.