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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OMAR ARELLANO ZARATE,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-73083

Agency No. A077-160-480

MEMORANDUM*

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

Submitted February 24, 2016 **

Before: LEAVY, FERNANDEZ, and RAWLINSON, Circuit Judges.

Omar Arellano Zarate, a native of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for relief under the Convention Against Torture ("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 BIA's factual findings, *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008), and we deny the petition for review.

Substantial evidence supports the BIA's denial of Arellano Zarate's CAT claim because he failed to establish it is more likely than not that he would be tortured. *See Zheng v. Holder*, 644 F.3d 829, 835-36 (9th Cir. 2011). In light of our conclusion, we need not reach Arellano Zarate's contention regarding acquiescence.

PETITION FOR REVIEW DENIED.