

FEB 29 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAINER AMIN BERNAL,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-70165

Agency No. A077-117-811

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.

Rainer Amin Bernal, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying him asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have jurisdiction under

---

\* 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).

8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings, *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008), and we deny the petition for review.

The record does not compel the conclusion that Bernal filed his untimely asylum application within a reasonable period of time after he learned of threats against his uncles in Mexico. *See Husyev v. Mukasey*, 528 F.3d 1172, 1181 (9th Cir. 2008). Thus, Bernal's asylum claim fails.

Substantial evidence supports the agency's conclusion that Bernal did not establish that it is more likely than not that he would be persecuted if returned to Mexico. *See Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003) (speculative fear was insufficient to compel a finding of a well-founded fear of future persecution). Accordingly, Bernal's withholding of removal claim fails.

Finally, substantial evidence supports the agency's denial of Bernal's CAT claim because he did not establish it is more likely than not that he would be tortured if returned to Mexico. *See Silaya*, 524 F.3d at 1073. Thus, Bernal's CAT claim fails.

**PETITION FOR REVIEW DENIED.**