

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 3 2016

FOR THE NINTH CIRCUIT

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

HECTOR RODRIGUEZ GARCIA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-73463

Agency No. A074-420-129

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.

Hector Rodriguez Garcia, 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 relief under the Convention Against Torture ("CAT").

* 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).

Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Zheng v. Ashcroft*, 332 F.3d 1186, 1193 (9th Cir. 2003). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to consider Rodriguez Garcia's contentions regarding his status as a Legal Permanent Resident because he failed to raise them before the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004). We also lack jurisdiction to review the denial of withholding of removal because he failed to raise any challenge to the IJ's dispositive nexus determination before the BIA.

See id.

Substantial evidence supports the agency's denial of Rodriguez Garcia's CAT claim because he failed to establish it is more likely than not he would be tortured by or with the consent or acquiescence of the government if returned to Mexico. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (finding the petitioners' "generalized evidence of violence and crime in Mexico is not particular to Petitioners and is insufficient" to show it more likely than not they would be tortured if returned to Mexico). Thus, Rodriguez Garcia's claim for relief under CAT fails.

PETITION FOR REVIEW DIMISSED in part; DENIED in part.