

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUN 1 2016

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

JOSE ALVAREZ-CASTRO,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-70381

Agency No. A092-445-990

MEMORANDUM*

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

Submitted May 24, 2016**

Before: REINHARDT, W. FLETCHER, and OWENS, Circuit Judges.

We construe Jose Alvarez-Castro's July 20, 2015 filing (Docket No. 31) as a third motion for reconsideration of the court's September 24, 2014 order denying his request for a stay of removal, and we deny it as untimely. *See* 9th Cir. R. 27-10.

* 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).

Alvarez-Castro, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' 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 substantial evidence the agency's factual findings, *Lopez-Cardona v. Holder*, 662 F.3d 1110, 1111 (9th Cir. 2011), and we deny the petition for review.

Substantial evidence supports the agency's denial of Alvarez-Castro's CAT claim because he failed to establish it is more likely than not that he would be tortured if returned to Mexico. *See id.* at 1114.

PETITION FOR REVIEW DENIED.