

**FILED**

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U.S. COURT OF APPEALS

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARISTIDES SOTO MANSILLA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-74272

Agency No. A071-586-816

MEMORANDUM\*

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

Argued and Submitted March 15, 2016  
San Francisco, California

Submission Withdrawn and Deferred April 22, 2016  
Resubmitted November 14, 2016

Before: W. FLETCHER, RAWLINSON, and HURWITZ, Circuit Judges.

Aristedes Soto Mansilla (“Soto”) petitions for review of an order of the Board of Immigration Appeals (“BIA”) denying his application for special rule cancellation of removal under the Nicaraguan Adjustment and Central American

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Relief Act (“NACARA”). We have jurisdiction under 8 U.S.C. § 1252 and we deny the petition.

Relief under NACARA is unavailable to any applicant who has “incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1231(b)(3)(B)(i); *see also* 8 C.F.R. § 1240.66(a). Soto told an immigration officer that as a sergeant in the Guatemalan military, he informed on suspected guerillas, knowing that they would likely be tortured. After guerillas were identified, the military would send a special G-2 intelligence team, who would take the suspected guerillas to the base to be investigated and tortured. He identified at least some of the suspected guerillas because they “had fliers.” This evidence indicates that Soto was both personally involved in and purposefully assisted persecution on account of political opinion, *Miranda Alvarado v. Gonzales*, 449 F.3d 915, 927 (9th Cir. 2006), shifting the burden to him to prove that he was not a persecutor, *see* 8 C.F.R. § 1240.8(d). Soto failed to carry that burden. Therefore, substantial evidence supports the BIA’s conclusion that Soto assisted in persecution and was ineligible for NACARA special rule cancellation of removal.

**DENIED.**