

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 20 2017

FOR THE NINTH CIRCUIT

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

JAIME ALVAREZ RUIZ, AKA Francisco
Alvarez, AKA Gerardo Casares, AKA Alex
Ramirez,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 14-71427

Agency No. A077-068-317

MEMORANDUM *

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

Submitted April 11, 2017**

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Jaime Alvarez Ruiz, 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 decision denying his application for withholding of removal

* 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).

and relief under the Convention Against Torture (“CAT”). Our jurisdiction is governed by 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). We deny in part and dismiss in part the petition for review.

As to past persecution, the agency found Alvarez Ruiz was not credible regarding the only direct past harm he allegedly experienced in Mexico, namely, his claim of arrest and abuse by police. Alvarez Ruiz does not challenge this finding. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-1080 (9th Cir. 2013) (issues not specifically raised and argued in a party’s opening brief are deemed waived). As to future harm, the agency found Alvarez Ruiz’s proposed social group was not cognizable. He does not challenge this finding. *See id.* Further, we lack jurisdiction to consider the new social group he presents to the court for the first time. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (petitioner must exhaust claims in administrative proceedings below). Because Alvarez Ruiz does not otherwise challenge the BIA’s basis for denying withholding of removal, we deny the petition for review as to this claim.

Finally, substantial evidence supports the agency’s denial of Alvarez Ruiz’s CAT claim because he did not show 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 Silaya*, 524 F.3d at 1073.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.