

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 14 2017

FOR THE NINTH CIRCUIT

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

JUAN JOSE ARIAS-GONZALEZ, AKA
Juan Carlos Castaneda, AKA Luis Garcia-
Rodriguez, AKA Juan Amar Gutierrez,
AKA Jonthon Mandiville Osuna, AKA
Miguel Angel Portillo, AKA Diego
Saradegui, AKA Diego Emillio Saradegui,
AKA Diego Saradegui-Torres, AKA Jose
Lozano Zamora,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-70205

Agency No. A078-461-371

MEMORANDUM*

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

Submitted August 9, 2017**

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

Juan Jose Arias-Gonzalez, a native and citizen of Ecuador, petitions for

* 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).

review of the Board of Immigrations Appeals' order dismissing his appeal from an immigration judge's decision denying his application for withholding of removal and 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, *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008), and we deny the petition for review.

As to withholding of removal, even if the evidence compels a finding that the harm in 1994 rose to the level of persecution, the record does not adequately demonstrate a likelihood of future persecution as of the time of the hearing. *See Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003) (possibility of future harm "too speculative").

As to CAT relief, substantial evidence supports the agency's conclusion that Arias-Gonzalez failed to demonstrate it is more likely than not he would be tortured if returned to Ecuador. *See Silaya*, 524 F.3d at 1073.

PETITION FOR REVIEW DENIED.