

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2018

FOR THE NINTH CIRCUIT

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

OSCAR AREVALO-JAIMES, AKA Oscar
Arevalo,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 16-71372

Agency No. A090-497-353

MEMORANDUM*

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

Submitted March 13, 2018**

Before: LEAVY, M. SMITH, and CHRISTEN, Circuit Judges.

Oscar Arevalo-Jaimes, 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 withholding of removal and relief under the Convention Against Torture ("CAT"). We have jurisdiction

* 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).

under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, *Ayala v. Holder*, 640 F.3d 1095, 1097 (9th Cir. 2011), and we deny the petition for review.

Substantial evidence supports the agency’s determination that Arevalo-Jaimes failed to establish that any harm he fears in Mexico would be on account of his family membership or any other protected ground. *See Ayala*, 640 F.3d at 1097 (even if membership in a particular social group is established, an applicant must still show that “persecution was or will be *on account* of his membership in such group” (emphasis in original)); *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (an applicant’s “desire to be free from harassment by criminals motivated by theft or random violence by gang members bears no nexus to a protected ground”). Thus, Arevalo-Jaimes’ withholding of removal claim fails.

Substantial evidence also supports the agency’s denial of Arevalo-Jaimes’ CAT claim because he failed to establish it is more likely than not he will 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) (generalized evidence of violence and crime in Mexico is not particular to petitioner and is insufficient to meet the CAT standard).

PETITION FOR REVIEW DENIED.