

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 18 2016

FOR THE NINTH CIRCUIT

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

RONY ESTUARDO ESCOBAR-
INTERIANO, AKA Jose Ramirez-Ramos,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-71973

Agency No. A088-729-528

MEMORANDUM*

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

Submitted April 13, 2016**

Before: FARRIS, TALLMAN, and BYBEE, Circuit Judges.

Rony Estuardo Escobar-Interiano, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for relief under the Convention Against Torture ("CAT"). We have

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

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

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.

Substantial evidence supports the agency's determination that Escobar-Interiano failed to establish that it is more likely than not that he will be subjected to torture by or with the acquiescence of the Guatemalan government. *See Garcia-Milian v. Holder*, 755 F.3d 1026, 1035 (9th Cir. 2014). The record does not support Escobar-Interiano's contention that the BIA failed to consider record evidence. Thus, Escobar-Interiano's CAT claim fails.

We decline Escobar-Interiano's request to remand to the BIA in light of *Matter of Avetisyan*, 25 I. & N. Dec. 688 (BIA 2012) and EOIR's subsequent policy memorandum, because Escobar-Interiano did not request administrative closure to the agency.

PETITION FOR REVIEW DENIED.