

APR 29 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MANUEL SANCHEZ GOMEZ, AKA
Sergio E. Meza,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-74028

Agency No. A077-197-850

MEMORANDUM*

On Petition for Review of an Immigration Judge’s Decision

Argued and Submitted March 9, 2016
Pasadena, California

Before: CLIFTON and IKUTA, Circuit Judges, and BLOCK,** Senior District Judge.

Manuel Sanchez-Gomez appeals the Immigration Judge’s (IJ) determination under 8 C.F.R. § 1208.31(a) that he did not have a reasonable fear of persecution or torture. We have jurisdiction under 8 U.S.C. § 1252, *see Villa-Anguiano v.*

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

** The Honorable Frederic Block, Senior District Judge for the U.S. District Court for the Eastern District of New York, sitting by designation.

Holder, 727 F.3d 873, 875 (9th Cir. 2013); *Ortiz-Alfaro v. Holder*, 694 F.3d 955, 958 (9th Cir. 2012), and review the IJ’s factual determinations for substantial evidence, *see Andrade-Garcia v. Lynch*, — F.3d — (9th Cir. 2016).

Substantial evidence supports the IJ’s conclusion that Sanchez-Gomez failed to establish a reasonable possibility of future persecution on account of a protected ground, *see* 8 C.F.R. § 1208.31(c), because the evidence demonstrates that the kidnappers targeted Sanchez-Gomez based on his perceived wealth, which “will not support a finding of persecution within the meaning of the [INA],” *In re S-V-*, 22 I. & N. Dec. 1306, 1310 (B.I.A. 2000).

Substantial evidence also supports the conclusion that Sanchez-Gomez failed to demonstrate a reasonable possibility of torture “inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” *Zheng v. Ashcroft*, 332 F.3d 1186, 1188 (9th Cir. 2003) (emphasis omitted) (quoting 8 C.F.R. § 208.18(a)(1)). No evidence here demonstrates that a government official had “awareness of [torturous] activity and thereafter breach[ed] his or her legal responsibility to intervene to prevent such activity.” 8 C.F.R. § 208.18(a)(7). Evidence that a government has been generally ineffective in investigating or preventing crime does not suffice to show acquiescence. *Garcia-Milian v. Holder*, 755 F.3d 1026, 1034 (9th Cir. 2013).

We also deny Sanchez-Gomez's motion for judicial notice of newspaper articles that are not part of the administrative record. *See Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996) (en banc).

PETITION DENIED.