

NOV 03 2016

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

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE ENRIQUE VALDES MORENO  
and ENRIQUE DE JESUS VALDES,

Petitioners,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 15-70995

Agency Nos. A097-348-468  
A097-348-469

MEMORANDUM\*

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

Submitted October 25, 2016\*\*

Before: LEAVY, SILVERMAN, and GRABER, Circuit Judges.

Jose Enrique Valdes Moreno and Enrique de Jesus Valdes, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion to remand. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to

---

\* 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).

remand. *Vargas-Hernandez v. Gonzales*, 497 F.3d 919, 923 (9th Cir. 2007). We deny the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to remand, where petitioners failed to establish prima facie eligibility for asylum, withholding of removal, or protection under the Convention Against Torture ("CAT"). *See Bhasin v. Gonzales*, 423 F.3d 977, 984 (9th Cir. 2005) (an applicant must generally show an individualized, rather than a generalized, risk of persecution to establish prima facie eligibility for asylum or withholding); *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (an applicant must establish it is more likely than not they would be tortured in the country of removal to establish prima facie eligibility for protection under CAT).

We reject petitioners' contention that the BIA failed to fully evaluate their arguments. *See Najmabadi v. Holder*, 597 F.3d 983, 990-91 (9th Cir. 2010) (holding the BIA adequately considered evidence and sufficiently announced its decision).

In light of this disposition, we do not reach petitioners' remaining contentions regarding membership in a particular social group.

Petitioners' motion to withdraw Valdes' pending motion to lift the stay of removal and dismiss the petition for review is granted.

**PETITION FOR REVIEW DENIED.**