

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 22 2018

FOR THE NINTH CIRCUIT

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

ESTANISLAO ALVAREZ-RANGEL,

No. 13-74225

Petitioner,

Agency No. A095-776-834

v.

MEMORANDUM*

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

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

Submitted May 15, 2018**

Before: SILVERMAN, BEA, and WATFORD, Circuit Judges.

Estanislao Alvarez-Rangel, a native and citizen of Mexico, petitions for review of the Board of Immigrations Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for withholding of removal and protection under the Convention Against Torture ("CAT"). We have

* 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).

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). We deny the petition for review.

Among other reasons, the agency found that Alvarez-Rangel failed to establish past persecution or a likelihood of future persecution on account of a protected ground because he failed to establish he was a member of his proposed social group. Substantial evidence supports this finding. *See Baghdasaryan v. Holder*, 592 F.3d 1018, 1023 (9th Cir. 2010) (an applicant must establish that the harm was or would be on account of a protected ground). Thus, Alvarez-Rangel's withholding of removal claim fails.

Substantial evidence also supports the agency's denial of CAT relief because Alvarez-Rangel failed to establish it is more likely than not he will be tortured with the consent or acquiescence of the government of Mexico. *See Garcia-Milian v. Holder*, 755 F.3d 1026, 1034-35 (9th Cir. 2014) (evidence did not compel conclusion that petitioner established the state action necessary for CAT relief).

PETITION FOR REVIEW DENIED.