

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 23 2019

FOR THE NINTH CIRCUIT

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

JORGE TEJEDA-ESPINOSA,

No. 17-72987

Petitioner,

Agency No. A201-179-108

v.

MEMORANDUM*

MATTHEW G. WHITAKER, Acting
Attorney General,

Respondent.

On Petition for Review of an
Immigration Judge's Decision

Submitted January 15, 2019**

Before: TROTT, TALLMAN, and CALLAHAN, Circuit Judges.

Jorge Tejeda-Espinosa, a native and citizen of Mexico, petitions for review of an immigration judge's ("IJ") determination under 8 C.F.R. § 1208.31(a) that he did not have a reasonable fear of torture in Mexico and thus is not entitled to relief from a reinstated removal order. We have jurisdiction under 8 U.S.C. § 1252. We

* 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).

review for substantial evidence the IJ's factual findings. *Andrade-Garcia v. Lynch*, 828 F.3d 829, 833 (9th Cir. 2016). We review legal questions de novo. *Pirir-Boc v. Holder*, 750 F.3d 1077, 1081 (9th Cir. 2014). We deny the petition for review.

Substantial evidence supports the IJ's determination that Tejeda-Espinosa failed to demonstrate a reasonable possibility of torture by or with the consent or acquiescence of the government of Mexico. *See Andrade-Garcia*, 828 F.3d at 836 (“[a] general ineffectiveness on the government’s part to investigate and prevent crime will not suffice to show acquiescence.”).

We reject as without merit Tejeda-Espinosa’s contentions that the IJ mischaracterized his testimony, ignored his documentary evidence, or applied an incorrect legal standard.

PETITION FOR REVIEW DENIED.