

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 21 2019

FOR THE NINTH CIRCUIT

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

PAZUR GUDINO-JAIMES, AKA Pazur
Jaime Gudina, AKA Pazur Gudino, AKA
Pazur James Gudino,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 15-73666

Agency No. A042-212-633

MEMORANDUM*

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

Submitted February 19, 2019**

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

Pazur Gudino-Jaimes, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' decision dismissing his appeal from an immigration judge's decision denying asylum, withholding of removal, and

* 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).

protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. *Pechenkov v. Holder*, 705 F.3d 444, 448 (9th Cir. 2012) (the 8 U.S.C. § 1252(a)(2)(C) jurisdictional bar is subject to two exceptions: 1) contentions relating to questions of law or constitutional claims, and 2) where the agency denies relief on the merits). We review de novo questions of law. *Bolanos v. Holder*, 734 F.3d 875, 876 (9th Cir. 2013). We review for substantial evidence the denial of relief under CAT. *Konou v. Holder*, 750 F.3d 1120, 1124 (9th Cir. 2014). We deny the petition for review.

The agency did not err in considering Gudino-Jaimes’s sentence enhancement in determining that he was convicted of a per se particularly serious crime, rendering him ineligible for withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(B); 8 C.F.R. § 1208.16(d)(2); *Konou*, 750 F.3d at 1128 (“An enhanced sentence by its plain language can be considered a type of sentence.”). Accordingly, the agency did not err in declining to conduct a case-specific analysis under *Matter of Frentescu*, 18 I. & N. Dec. 244 (BIA 1982).

Substantial evidence supports the agency’s determination that Gudino-Jaimes did not show it is more likely than not he would be tortured by or with the acquiescence of the Mexican government. *See Garcia-Milian v. Holder*, 755 F.3d 1026, 1033 (9th Cir. 2014).

PETITION FOR REVIEW DENIED.