

NOT FOR PUBLICATION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

URIEL YUVINI MALDONADO-
BARRIOS, AKA Tereso Hernandez Chable,
AKA Uriel Yuvini Maldonado,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 17-73196

Agency No. A205-314-981

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.

Uriel Yuvini Maldonado-Barrios, a native and citizen of Guatemala,
petitions for review of the Board of Immigration Appeals' ("BIA") order
dismissing his appeal from an immigration judge's decision denying his

* 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).

application for withholding of removal and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), except to the extent that deference is owed to the BIA’s interpretation of the governing statutes and regulations, *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We review for substantial evidence the agency’s factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny the petition for review.

The BIA did not err in finding that Maldonado-Barrios did not establish membership in a cognizable social group. *See Reyes v. Lynch*, 842 F.3d 1125, 1131 (9th Cir. 2016) (in order to demonstrate membership in a particular group, “[t]he applicant must ‘establish that the group is (1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question.’” (quoting *Matter of M-E-V-G-*, 26 I. & N. Dec. 227, 237 (BIA 2014))). In light of this conclusion, we need not reach Maldonado-Barrios’s contentions as to nexus. Thus, Maldonado-Barrios’s withholding of removal claim fails.

Substantial evidence supports the agency’s denial of CAT relief because

Maldonado-Barrios failed to show it is more likely than not that he would be tortured by or with the consent or acquiescence of the Guatemalan government.

See Garcia-Milian v. Holder, 755 F.3d 1026, 1034-35 (9th Cir. 2014).

PETITION FOR REVIEW DENIED.