

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 15 2019

FOR THE NINTH CIRCUIT

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

JAIME ELISEO RODRIGUEZ RECINOS,

No. 18-70292

Petitioner,

Agency No. A209-866-738

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted March 12, 2019**

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

Jaime Eliseo Rodriguez Recinos, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and relief under the Convention

* 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).

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. *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008). We deny the petition for review.

The agency did not err in determining that Rodriguez Recinos failed to establish membership in a cognizable social group. *See Reyes v. Lynch*, 842 F.3d 1125, 1137-38 (9th Cir. 2016) (affirming the BIA’s determination that a proposed social group lacked particularity where there was no “record evidence demonstrating that Salvadoran society recognizes the boundaries” of the group) (citing *Matter of W-G-R-*, 26 I. & N. Dec. 208, 221 (BIA 2014) (“The boundaries of a group are not sufficiently definable unless the members of society generally agree on who is included in the group . . .”). Substantial evidence also supports the agency’s determination that Rodriguez Recinos failed to establish that the harm he experienced and fears in El Salvador was or will be on account of a protected ground. *Zetino v. Holder*, 622 F.3d 1007, 1015 (9th Cir. 2010) (desire to be free of

“random violence by gang members bears no nexus to a protected ground”). Thus, Rodriguez Recinos’s asylum and withholding of removal claims fail.

Finally, substantial evidence supports the agency’s denial of CAT relief because Rodriguez Recinos failed to establish it is more likely than not that he would be tortured by or with the consent or acquiescence of the government of El Salvador. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.