

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2019

FOR THE NINTH CIRCUIT

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

GREGORIA LUCIA GARCIA
MARTINEZ, AKA Rosa Maria Estrada
Ortiz,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 16-70864

Agency No. A201-273-915

MEMORANDUM*

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

Submitted March 5, 2019**
Pasadena, California

Before: WARDLAW and BENNETT, Circuit Judges, and SESSIONS,*** District
Judge.

Gregoria Garcia Martinez (“Garcia”) petitions for review of the decision of

* 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).

*** The Honorable William K. Sessions III, United States District Judge
for the District of Vermont, sitting by designation.

the Board of Immigration Appeals (“BIA”) upholding the denial of her claims for asylum and other forms of relief. We have jurisdiction under 8 U.S.C.

§ 1252(a)(1). We deny Garcia’s petition for review.

Substantial evidence supports the BIA’s determination that she did not qualify for asylum or withholding of removal because she could safely and reasonably relocate within Mexico. Even assuming that Garcia established past persecution as a member of a cognizable particular social group, she testified credibly that she had a plan for relocation to avoid future persecution. *See* 8 C.F.R. § 1208.13(b)(2)(ii), 1208.13(b)(3)(i); *Melkonian v. Ashcroft*, 320 F.3d 1061, 1069 (9th Cir. 2003) (“[T]he IJ may deny eligibility for asylum to an applicant who has otherwise demonstrated a well-founded fear of persecution where the evidence establishes that internal relocation is a reasonable option under all of the circumstances.” (citation omitted)). Consequently, Garcia does not qualify for asylum or withholding of removal, and we need not reach her other assertions of error.

Likewise, we find no clear error in the BIA’s determination that Garcia did not show that she will more likely than not be tortured by or at the behest of a person acting in an official capacity if she returns to Mexico. *See* 8 C.F.R. § 1208.18(a)(1); *Madrigal v. Holder*, 716 F.3d 499, 508 (9th Cir. 2013).

Each party shall bear its own costs on appeal.

PETITION DENIED.