

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 22 2019

FOR THE NINTH CIRCUIT

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

ADAN RAMIREZ-ENRIQUEZ,

No. 14-72696

Petitioner,

Agency No. A200-626-040

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted April 17, 2019**

Before: McKEOWN, BYBEE, and OWENS, Circuit Judges.

Adan Ramirez-Enriquez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). Our

* 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).

jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Garcia-Milian v. Holder*, 755 F.3d 1026, 1031 (9th Cir. 2014). We dismiss in part and deny in part the petition for review.

In his opening brief, Ramirez-Enriquez raises new contentions regarding the merits of his asylum claim. We lack jurisdiction to review those contentions because he failed to raise them to the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004) (court lacks jurisdiction to review claims not presented to the agency). Ramirez-Enriquez otherwise fails to challenge the agency's determination that his asylum claim is time-barred. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party's opening brief are waived). Thus, Ramirez-Enriquez's asylum claim fails.

Ramirez-Enriquez also waived any challenge to the agency's determination that he failed to establish a nexus between the harm he fears in El Salvador and a protected ground. *See id.* Thus, Ramirez-Enriquez's withholding of removal claim fails.

Substantial evidence supports the agency's denial of CAT relief because Ramirez-Enriquez failed to show 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).

Ramirez-Enriquez's opposed motion to remand (Docket Entry No. 26) is denied. *See Karingithi v. Whitaker*, 913 F.3d 1158, 1160-62 (9th Cir. 2019) (initial notice to appear need not include time and date information to vest jurisdiction in the immigration court).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.