

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 23 2019

FOR THE NINTH CIRCUIT

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

BULMARO MARTINEZ GORDUNO,

Nos. 15-71856
15-73701

Petitioner,

Agency No. A088-890-401

v.

WILLIAM P. BARR, Attorney General,

MEMORANDUM*

Respondent.

On Petition for Review of Orders of the
Board of Immigration Appeals

Submitted April 17, 2019**

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

In these consolidated petitions for review, Bulmaro Martinez Gorduno, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") orders dismissing his appeal from an immigration judge's ("IJ") decision denying withholding of removal and ordering him removed, and denying his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

substantial evidence the agency's factual findings. *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008). We review for abuse of discretion the denial of a motion to reopen, and we review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petitions for review.

Substantial evidence supports the agency's denial of withholding of removal, where Martinez Gorduno failed to show it is more likely than not that he would be persecuted on account of a protected ground in Mexico. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1151-52 (9th Cir. 2010) (an applicant must generally show an individualized, rather than a generalized, risk of persecution to establish eligibility for asylum or withholding; "returning Mexicans from the United States" is too broad to qualify as a cognizable social group); *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (desire to be free of harassment by criminals motivated by theft or random violence has no nexus to a protected ground); *Molina-Morales v. INS*, 237 F.3d 1048, 1051-52 (9th Cir. 2001) (personal disputes are not grounds for protection unless connected to a protected ground).

The BIA did not err or abuse its discretion in denying Martinez Gorduno's motion to reopen, where neither the BIA nor the IJ has jurisdiction over a U Visa petition and an outstanding removal order does not bar U Visa relief. *See* 8 C.F.R. § 1003.2(a); *Lee v. Holder*, 599 F.3d 973, 975-76 (9th Cir. 2010) (USCIS has "sole jurisdiction" over claims of eligibility for a U visa pursuant to 8 C.F.R.

§ 214.14(c)(1)); *Gomez-Valezco v. Sessions*, 879 F.3d 989, 995 (9th Cir. 2018) (noting that U visas may be granted even after issuance of a removal order).

To the extent Martinez Gorduno contends the BIA ignored his arguments, the record does not support this contention. *See Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010).

PETITIONS FOR REVIEW DENIED.