NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SATBAY KYDYRALI,

          Petitioner,

v.

WILLIAM P. BARR, Attorney General,

          Respondent.

No.   19-72561

Agency No. A215-672-390

MEMORANDUM[*]

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

Submitted October 5, 2020[**]
Pasadena, California

Before: KLEINFELD, HURWITZ, and BRESS, Circuit Judges.

Satbay Kydyrali claims the Board of Immigration Appeals erred by finding a

lack of nexus between any harm he suffered and a protected ground as required by

8 U.S.C. §§ 1101(a)(42)(A), 1158(b)(1)(A) for asylum and 8 U.S.C.

§ 1231(b)(3)(A) for withholding of removal. Substantial evidence supports the

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    [*]   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).

Board's determination that any persecution Kydyrali may have suffered resulted from a business dispute, not his political opinion. Purely personal retribution is not persecution for a political opinion. *Grava v. INS*, 205 F.3d 1177, 1181 n.3 (9th Cir. 2000).

Kydyrali also claims that the Board erred in denying his application for relief under the Convention Against Torture (CAT). To qualify for CAT relief, the petitioner bears the burden of establishing that he will more likely than not be tortured with the consent or acquiescence of a public official if removed to his native country. *Xochihua-Jaimes v. Barr*, 962 F.3d 1175, 1183 (9th Cir. 2020). Past torture is a relevant factor in determining whether a petitioner will be tortured in the future. 8 C.F.R. § 1208.16(c)(3). Kydyrali does not claim he has been tortured, and substantial evidence supports the Board's conclusion that Kydyrali has not shown that, more likely than not, he will be tortured by the government of Kazakhstan or with its consent upon returning to Kazakhstan.

The petition for review is **DENIED.**