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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BRENDA GODINEZ-VELASQUEZ,
AKA Brenda Godinez De Ruiz,

Petitioner,

v.

ROBERT M. WILKINSON, Acting
Attorney General,

Respondent.

No. 19-71783

Agency No. A094-955-439

MEMORANDUM*

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

Submitted February 3, 2021**
San Francisco, California

Before: THOMAS, Chief Judge, and IKUTA and NGUYEN, Circuit Judges.

Brenda Godinez-Velasquez, a native and citizen of Guatemala, seeks review
of the decision of the Board of Immigration Appeals (BIA) that affirmed the

* 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).

decision of the immigration judge (IJ) denying her application for withholding of removal and protection under the Convention Against Torture (CAT). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition for review.

Godinez-Velasquez does not challenge the IJ's conclusion that her proposed social group—"victims of sexual violence who do not have the protection of the government"—lacks social distinction. Because an applicant for withholding of removal seeking relief based on membership in a particular social group must establish that the proposed group is socially distinct, *see Cordoba v. Barr*, 962 F.3d 479, 483 (9th Cir. 2020), the BIA did not err in upholding the IJ's denial of Godinez-Velasquez's application for withholding of removal.

The BIA did not err in affirming the IJ's conclusion that Godinez-Velasquez was not entitled to relief under CAT. Given the IJ's unchallenged finding that Godinez-Velasquez could safely relocate in Guatemala, substantial evidence supports the denial of withholding of removal under CAT, *see* 8 C.F.R. § 208.16(c)(3)(ii); *Singh v. Ashcroft*, 351 F.3d 435, 443 (9th Cir. 2003), and deferral of removal under CAT, *see* 8 C.F.R. § 1208.17(a). The BIA's determination that Godinez-Velasquez suffered past persecution does not affect this conclusion, or our conclusion on statutory withholding of removal.

PETITION DENIED.