

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 18 2021

FOR THE NINTH CIRCUIT

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

FRANCISCO DE JESUS NATAREN
LARA,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 20-72145

Agency No. A209-296-488

MEMORANDUM*

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

Submitted October 12, 2021**

Before TALLMAN, RAWLINSON, and BUMATAY, Circuit Judges.

Francisco de Jesus Nataren Lara, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and relief under the Convention

* 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).

Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *Conde Quevedo v. Barr*, 947 F.3d 1238, 1241 (9th Cir. 2020). We deny the petition for review.

In his opening brief, Nataren Lara does not challenge the agency’s determination that his proposed particular social group of “extorted Salvadoran males who are returning with imputed wealth by gang members” is not cognizable. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013) (issues not specifically raised and argued in a party’s opening brief are waived).

We do not consider Nataren Lara’s claim based on his proposed particular social group of “Salvadorans who actively protest against gangs and their activities” because the BIA did not decide the issue, *see Santiago-Rodriguez v. Holder*, 657 F.3d 820, 829 (9th Cir. 2011) (review limited to the grounds relied on by the BIA), and the BIA did not err in declining to consider the claim where it was raised for the first time to the BIA, *see Honcharov v. Barr*, 924 F.3d 1293, 1297 (9th Cir. 2019) (BIA did not err in declining to consider argument raised for the first time on appeal).

Thus, we deny the petition for review as to Nataren Lara’s asylum and withholding of removal claims.

Substantial evidence supports the agency’s denial of CAT relief because Nataren Lara failed to show it is more likely than not he would be tortured by or

with the consent or acquiescence of the government if returned to El Salvador. *See Wakkary v. Holder*, 558 F.3d 1049, 1067-68 (9th Cir. 2009) (no likelihood of torture).

We reject as unsupported by the record Nataren Lara's contentions that the agency ignored evidence or otherwise erred in its analysis of his claims.

Nataren Lara's request for oral argument, raised in his opening brief, is denied.

The temporary stay of removal remains in place until issuance of the mandate.

PETITION FOR REVIEW DENIED.