

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 18 2022

FOR THE NINTH CIRCUIT

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

MARTIN GONZALEZ-MARTINEZ, AKA
Martin Gonzalez, AKA Martin G. Martinez,
AKA Martin Martinez Gonzalez,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 16-72046

Agency No. A206-408-954

MEMORANDUM*

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

Submitted February 15, 2022**

Before: FERNANDEZ, TASHIMA, and FRIEDLAND, Circuit Judges.

Martin Gonzalez-Martinez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application 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).

withholding of removal and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 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 deny the petition for review.

Substantial evidence supports the agency’s determination that Gonzalez-Martinez failed to establish the harm he experienced or fears in Mexico was or would be on account of an imputed political opinion. *See INS v. Elias-Zacarias*, 502 U.S. 478, 483 (1992) (an applicant “must provide *some* evidence of [motive], direct or circumstantial”).

Gonzalez-Martinez does not challenge the agency’s determination that he did not establish past persecution on account of his race. *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). Substantial evidence supports the agency’s determination that Gonzalez-Martinez failed to show a pattern or practice of persecution against indigenous Zapotecs in Mexico. *See Wakkary v. Holder*, 558 F.3d 1049, 1061-62 (9th Cir. 2009) (record evidence of widespread discrimination against particular groups did not compel the conclusion that there was a pattern or practice of persecution). Thus, Gonzalez-Martinez’s withholding of removal claim fails.

Substantial evidence also supports the agency’s determination that

Gonzalez-Martinez failed to show it is more likely than not that he will be tortured by or with the consent or acquiescence of the government if returned to Mexico. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009).

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

PETITION FOR REVIEW DENIED.