

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 1 2023

FOR THE NINTH CIRCUIT

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

BRANDON ELIAS PEREZ-CARDONA,

No. 18-72094

Petitioner,

Agency No. A208-980-094

v.

MEMORANDUM*

MERRICK B. GARLAND, Attorney
General,

Respondent.

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

Submitted February 1, 2023**
San Francisco, California

Before: FRIEDLAND, BADE, and KOH, Circuit Judges.

Brandon Elias Perez-Cardona, a native and citizen of Guatemala, petitions for review of a decision of the Board of Immigration Appeals (“BIA”) upholding the Immigration Judge’s (“IJ”) denial of his claims for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have

* 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).

jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

1. Substantial evidence supports the agency’s determination that Petitioner failed to demonstrate a nexus between the harm he experienced or fears in Guatemala and a protected ground. Although Petitioner provided evidence that he was beat up by gang members on two occasions, he offered no evidence that those attacks were related to a protected ground. *See Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (holding that an applicant’s “desire to be free from . . . random violence by gang members bears no nexus to a protected ground”). We therefore deny the petition as to the asylum and withholding claims. *See Garcia v. Wilkinson*, 988 F.3d 1136, 1143 (9th Cir. 2021) (recognizing that an applicant for asylum “must demonstrate a nexus between her past or feared harm and a protected ground”); *Vasquez-Rodriguez v. Garland*, 7 F.4th 888, 892 (9th Cir. 2021) (“To qualify for withholding of removal, an applicant must show that ‘it is more likely than not that’ he would be persecuted because of a protected ground.” (quoting *INS v. Stevic*, 467 U.S. 407, 424 (1984))).

2. Regarding Petitioner’s application for relief under the CAT, substantial evidence also supports the IJ’s conclusion, adopted by the BIA, that Petitioner failed to show that it is more likely than not that he would be tortured by or with the acquiescence of a public official if returned to Guatemala. *See Xochihua-Jaimes v. Barr*, 962 F.3d 1175, 1183 (9th Cir. 2020).

PETITION DENIED.