

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 13 2023

FOR THE NINTH CIRCUIT

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

CECILIO FILEMON DZUL-POOL,

No. 21-1250

Petitioner,

Agency No. A200-247-956

v.

MEMORANDUM*

MERRICK B. GARLAND, Attorney
General,

Respondent.

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

Submitted April 11, 2023**
San Francisco, California

Before: PAEZ, CLIFTON, and H.A. THOMAS, Circuit Judges.

Cecilio Filemon Dzul-Pool, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals's ("BIA") order affirming the Immigration Judge's ("IJ") denial of his claims for asylum, withholding of

* 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).

removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition for review.

When the BIA adopts the decision of the IJ, this court reviews the IJ’s decision as if it were the decision of the BIA. *Abebe v. Gonzales*, 432 F.3d 1037, 1039 (9th Cir. 2005). “We review purely legal questions de novo, and the agency’s factual findings for substantial evidence.” *Perez-Portillo v. Garland*, 56 F.4th 788, 792 (9th Cir. 2022).

Petitioner waived review of the agency’s denial of asylum relief because he did not meaningfully challenge the issues in his opening brief. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079–80 (9th Cir. 2013) (holding that issues not specifically raised and argued in a party’s opening brief are waived).

Substantial evidence supported the BIA’s determination that Petitioner was ineligible for withholding of removal because he was unable to establish a clear probability of future persecution on account of a protected ground if returned to the proposed country of removal. *See INS v. Cardoza-Fonseca*, 480 U.S. 421, 429, 440 (1987). In addition, neither of Petitioner’s proposed particular social groups is cognizable. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1151–52 (9th Cir. 2010) (holding that the proposed social group of Mexicans returning from the United States was not a cognizable social group because it was too broad); *Ramirez-*

Munoz v. Lynch, 816 F.3d 1226, 1229 (9th Cir. 2016) (holding that a group of “imputed wealthy Americans” was not sufficiently particular).

Substantial evidence also supported the BIA’s determination that Petitioner was not entitled to CAT relief. Petitioner’s testimony and evidence of the conditions in Mexico did not establish that it was more likely than not that Petitioner would suffer torture in the future or that such abuse would be inflicted upon him with the consent or acquiescence of public officials. *See Delgado-Ortiz*, 600 F.3d at 1152 (Petitioner’s “generalized evidence of violence and crime in Mexico is not particular to Petitioner[] and is insufficient to meet [the CAT] standard.”).

PETITION DENIED.