

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 16 2023

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

MARIBEL RODRIGUEZ
PEREZ; ALISSON MORALES
RODRIGUEZ,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 21-673

Agency Nos.
A209-899-944
A209-899-945

MEMORANDUM*

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

Submitted May 9, 2023**
Seattle, Washington

Before: HAWKINS, TALLMAN, and IKUTA, Circuit Judges.

Maribel Rodriguez-Perez (“Petitioner”), a native and citizen of Guatemala, seeks review of the Board of Immigration Appeals (“BIA”) decision affirming the Immigration Judge’s (“IJ”) denial of her application for asylum, withholding

* 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).

of removal, and relief pursuant to the Convention Against Torture (“CAT”).¹ We deny the petition.

Substantial evidence supports the agency’s decision that Petitioner has not established a likelihood of future persecution that the government is unable or unwilling to control. Although she introduced some evidence of Guatemala’s general struggles with domestic violence, the country conditions report also indicates Guatemala has passed laws to protect and punish offenders even if the country still has room for improvement. *See Velasquez-Gaspar v. Barr*, 976 F.3d 1062, 1064 (9th Cir. 2020). Additionally, Petitioner did not report any of her boyfriend’s threats or actions to the police, did not testify that it would have been futile to do so, and did recount past incidents (either personally or of others she knew) where reporting to police was futile. *Cf. Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1066–67, 1069 (9th Cir. 2017) (en banc). The agency’s conclusion was a permissible reading of the evidence, and the record does not compel the conclusion that the government is unable or unwilling to protect Petitioner from her private-party abuser.

Nor has Petitioner established it is more likely than not that she will be tortured with the acquiescence of the government if returned to Guatemala to entitle her to protection under CAT. General evidence of the government’s ineffectiveness in combating crime and violence does not establish acquiescence

¹ She also filed a derivative petition on behalf of her minor daughter.

or willful blindness to torture by the government. *See, e.g., B.R. v. Garland*, 26 F.4th 827, 845 (9th Cir. 2022) (Mexican cartels); *Garcia-Milian v. Holder*, 755 F.3d 1026, 1034 (9th Cir. 2014) (Guatemala rape victim). The country-conditions evidence and testimony here does not compel a contrary conclusion.

PETITION DENIED.