

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 21 2023

FOR THE NINTH CIRCUIT

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

RICARDO REYNOSO AGUILERA,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 21-841

Agency No.
A205-056-582

MEMORANDUM*

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

Submitted June 15, 2023**
Pasadena, California

Before: BYBEE and CHRISTEN, Circuit Judges, and VITALIANO, District
Judge.***

Ricardo Reynoso Aguilera petitions for review of the Board of
Immigration Appeals' (BIA) order dismissing his appeal from an Immigration
Judge's decision denying his application for protection 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).

*** The Honorable Eric N. Vitaliano, United States District Judge for
the Eastern District of New York, sitting by designation.

Against Torture (CAT). We have jurisdiction pursuant to 8 U.S.C. § 1252, and we deny the petition for review.

1. We conclude substantial evidence supports the agency's denial of CAT relief. Petitioner's speculative concern that he may be extorted if he returns to Mexico is insufficient to meet his burden of showing it is "more likely than not" that he would be tortured if removed. 8 C.F.R. § 1208.16(c)(2). The country-conditions evidence Petitioner included with his CAT application is insufficient to prove that he faces an individualized risk of extortion or other harm in Mexico. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (per curiam) (holding that "generalized evidence of violence and crime in Mexico is not particular to Petitioners and is insufficient to meet [the CAT] standard"). And though Petitioner's brother faced extortion in La Barca, Jalisco, the record shows that Petitioner's parents and three other siblings have faced no harm in Mexico, and none of his family members have faced harm in Tequila, Jalisco, where Petitioner says he would live if deported to Mexico.

2. We decline to consider Petitioner's argument that we should "remand for PD [prosecutorial discretion]." Petitioner did not raise this argument before the BIA, *see* 8 U.S.C. § 1252(d)(1), and regardless, enforcement decisions are "generally committed to an agency's absolute discretion." *Ayanian v. Garland*, 64 F.4th 1074, 1085 (9th Cir. 2023) (quoting *Heckler v. Chaney*, 470 U.S. 821, 831 (1985)).

The stay of removal remains in place until the mandate issues.

PETITION FOR REVIEW DENIED.