

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 3 2023

FOR THE NINTH CIRCUIT

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

OCIEL HERNANDEZ-RODRIGUEZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-95

Agency No.
A075-193-874

MEMORANDUM*

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

Submitted June 26, 2023**

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

Ociel Hernandez-Rodriguez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for protection under the Convention Against Torture ("CAT") in reinstated removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. *See Ortiz-Alfaro v. Holder*, 694 F.3d

* 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).

955, 958-59 (9th Cir. 2012). We review factual findings for substantial evidence. *Conde Quevedo v. Barr*, 947 F.3d 1238, 1241 (9th Cir. 2020). We deny the petition for review.

Substantial evidence supports the denial of CAT deferral of removal because Hernandez-Rodriguez failed to show it is more likely than not he would be tortured if returned to Mexico. *See Wakkary v. Holder*, 558 F.3d 1049, 1067-68 (9th Cir. 2009) (no likelihood of torture); *Go v. Holder*, 640 F.3d 1047, 1054 (9th Cir. 2011) (country reports and credible testimony were insufficient to compel conclusion that petitioner was more likely than not to be tortured).

In light of this disposition, we do not reach Hernandez-Rodriguez's remaining contentions as to the requisite state action for CAT protection. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) (courts are not required to decide issues unnecessary to the results they reach).

PETITION FOR REVIEW DENIED.