

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 19 2023

FOR THE NINTH CIRCUIT

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

JACQUELINE XIOMARA CERON
LARIOS; et al.,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-1732

Agency Nos.
A208-374-453
A208-374-454

MEMORANDUM*

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

Submitted July 17, 2023**

Before: HAWKINS, S.R. THOMAS, and McKEOWN, Circuit Judges.

Jacqueline Xiomara Ceron Larios and her daughter,¹ native and citizens of
El Salvador, petition pro se for review of the Board of Immigration Appeals’

* 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).

¹ The Clerk will update the docket to include Keiry Dayeissy Santos
Ceron (A208-374-454) as a petitioner, in accordance with the agency decision
(Dkt. No. 8) and the inclusion of both A-numbers in the petition for review (Dkt.
No. 1). *See Ochave v. INS*, 254 F.3d 859, 864 (9th Cir. 2001) (“Where, as here,
the IJ and the BIA address [lead and derivative petitioners’] applications for
asylum together, we do the same on appeal.”).

(“BIA”) decision affirming the Immigration Judge’s (“IJ”) denial of their application for asylum and of Ceron Larios’s applications for withholding of removal and protection under the Convention Against Torture (“CAT”). Where, as here, the BIA adopts and affirms the IJ’s reasoning and also adds its own comments, we review both decisions. *Gonzalez Castillo v. Garland*, 47 F.4th 971, 976 (9th Cir. 2022). We review for substantial evidence the agency’s factual findings, including adverse credibility determinations. *Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

The BIA denied asylum and withholding of removal based on the IJ’s adverse credibility finding. The IJ found Ceron Larios not credible based on falsehoods made during her asylum interviews and inconsistencies between these interviews and her testimony before the IJ. The BIA concluded that Ceron Larios had forfeited any challenge to the IJ’s credibility determination because she failed to raise “on appeal any of the specific grounds underlying the adverse credibility finding.” Ceron Larios’s briefing before this court similarly lacks any argument regarding credibility, and we thus deem the issue waived. *See Santos-Zacaria v. Garland*, 143 S. Ct. 1103, 1112 (2023) (holding that 8 U.S.C. § 1252(d)(1)’s administrative exhaustion requirement is a “quintessential claim-processing rule,” not a jurisdictional bar); *Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1992) (holding that any arguments not supported by a pro se petitioner’s opening brief are waived). Even if Ceron Larios had not waived the issue, the “totality of

the circumstances” indicates that substantial evidence supports the adverse credibility determination. *See Alam v. Garland*, 11 F.4th 1133, 1137 (9th Cir. 2021) (en banc); *see also Shrestha v. Holder*, 590 F.3d 1034, 1048 (9th Cir. 2010).

The adverse credibility finding also supports the BIA’s denial of Ceron Larios’s CAT claim. It is well established that “[a]n adverse credibility determination is not necessarily a death knell to CAT protection.” *Shrestha*, 590 F.3d at 1048. However, to reverse the BIA’s CAT denial in light of the adverse credibility determination, we “would have to find that [other evidence] alone compelled the conclusion that [Ceron Larios] is more likely than not to be tortured.” *Id.* at 1048–49 (quoting *Almaghzar v. Gonzales*, 457 F.3d 915, 922–23 (9th Cir. 2006)). Apart from her contested testimony, Ceron Larios relies on generalized evidence of violence and crime in El Salvador, which is insufficient to establish the particularized risk of torture necessary for CAT relief. *See Ruiz-Colmenares*, 25 F.4th at 750–51.

PETITION DENIED.