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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SINDY JAQUELIN COELLO-
VALLE; SCARLETH ABIGAIL
TOLEDO-COELLO; GENESIS
JAQUELIN TOLEDO-
COELLO; STALLIN ORLANDO
TOLEDO-COELLO,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-111

Agency Nos.
A209-241-759
A209-241-761
A209-241-760
A209-241-758

MEMORANDUM*

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

Submitted September 12, 2023
San Francisco, California

Before: WALLACE, S.R. THOMAS and FORREST, Circuit Judges.

* 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).

Sindy Jaquelin Coello-Valle and three of her minor children, natives and citizens of Honduras, petition for review of a final order of the Board of Immigration Appeals (“BIA”) affirming an immigration judge’s (“IJ”) decision denying their applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction over this timely petition for review pursuant to 28 U.S.C. § 1252(a), and we review the BIA’s factual findings for substantial evidence and its legal conclusions de novo. *Plancarte Saucedo v. Garland*, 23 F.4th 824, 831 (9th Cir. 2022). Under the substantial evidence standard, we will reverse a BIA finding only if the evidence “compels a contrary conclusion.” *Afriyie v. Holder*, 613 F.3d 924, 931 (9th Cir. 2010). We deny the petition for review.

1. Substantial evidence supports the agency’s denial of asylum and withholding of removal relief. Applicants for asylum and withholding of removal must show a nexus between the past or feared persecution and a protected ground such as a particular social group (“PSG”). *Garcia v. Wilkinson*, 988 F.3d 1136, 1143 (9th Cir. 2021). For asylum, an applicant must show that membership in a proposed PSG was a “central reason” for their persecutor’s motivation to harm. *Id.* at 1143–44. A central reason is a but-for cause of the persecution. *See id.* at 1144.

The nexus standard for withholding is a lower bar; the applicant must only show that their PSG was “a reason” for the persecution. *Id.* at 1146.

Substantial evidence supports the agency’s conclusion that Coello-Valle failed to satisfy her burden of proof that she was persecuted or had a well-founded fear of persecution “on account of” membership in her proposed PSGs of “family of business owners” and “family of violent crime victims.” Coello-Valle testified that her husband was extorted for a “war tax” because he had a taxi business and was perceived to “work hard” and have money to pay. When her husband could not pay the gang’s second demand, the gang violently attacked him and his co-worker uncle, and began harassing Coello-Valle to disclose her husband’s location. After her husband left for the United States, and it was clear the gang was not going to get anything more from him, gang members turned their focus on Coello-Valle and demanded that she pay the unpaid tax under threat of harm to her and her children. When asked, Coello-Valle confirmed that the gang was pursuing her because they thought she could pay the extortion: “Specifically, they imposed those payments on me because they thought that perhaps we had money, since my husband was in the United States, and that he had the amount of money to make that payment, . . . and since we did have the other taxi – we were also working the other taxi on the streets – that we had the money.”

Here, the record supports the conclusion that Coello-Valle’s family was targeted because the gang perceived that the family had money and could be extorted. The gang made no references to the business or the family separate from the gang’s interest in obtaining money. And its actions are likewise consistent with pursuing its extortion objective. Thus, substantial evidence supports the agency’s determination that the violence and threats inflicted by the gang were for no reason other than that found by the agency—“their criminal desire to enrich themselves by stealing money from [Coello-Valle] and her family.” *See Rodriguez-Zuniga v. Garland*, 69 F.4th 1012, 1019 (9th Cir. 2023) (“Where the record indicates that the persecutor’s actual motivation for threatening a person is to extort money . . . , the record does not compel finding that the persecutor threatened the target *because of* a protected characteristic such as family relation.” (emphasis added)).

“The lack of a nexus to a protected ground is dispositive of [] asylum and withholding of removal claims.” *Riera–Riera v. Lynch*, 841 F.3d 1077, 1081 (9th Cir. 2016). Therefore, we must deny the petition for review as to the asylum and withholding claims.

2. We also deny the petition for review as to CAT relief. For withholding of removal under CAT, Coello-Valle must show that it is “more likely

than not . . . she would be tortured if removed” to Honduras. 8 C.F.R. § 208.16(c)(2). Torture is “more severe than persecution,” *Davila v. Barr*, 968 F.3d 1136, 1144 (9th Cir. 2020) (citation omitted), and the record does not compel the conclusion that Coello-Valle will be tortured if she is returned to Honduras. Nor does the record compel the conclusion that a government official would acquiesce to any torture, as the gang member who threatened Coello-Valle was arrested and is in prison, the family received some help from police officers, and Coello-Valle was adamant that she was not prevented from filing a police report but simply chose not to.

Given the resolution of these claims, we need not—and do not—reach any other issue urged by the parties. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.” (quoting *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976))).

PETITION DENIED.