

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 19 2023

FOR THE NINTH CIRCUIT

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

JOSE GUADALUPE CARDENAS
JIMENEZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 21-114

Agency No.
A095-778-841

MEMORANDUM*

On Petition for Review of an Order of the
Immigration Judge

Submitted October 10, 2023**

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

Jose Guadalupe Cardenas Jimenez, a native and citizen of Mexico, petitions pro se for review of an immigration judge's ("IJ") order affirming an asylum officer's negative reasonable fear determination. We have jurisdiction under

* 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).

8 U.S.C. § 1252. We review for substantial evidence the agency's reasonable fear determination. *Orozco-Lopez v. Garland*, 11 F.4th 764, 774 (9th Cir. 2021). We deny the petition for review.

As to withholding of removal, substantial evidence supports the IJ's determination that Cardenas Jimenez failed to show a reasonable possibility that the harm he fears would be on account of a protected ground. *See Bartolome v. Sessions*, 904 F.3d 803, 814 (9th Cir. 2018) (record did not compel a conclusion that petitioner established a reasonable fear of persecution where he did not show a nexus to a protected ground).

As to protection under the Convention Against Torture, substantial evidence supports the IJ's determination that Cardenas Jimenez failed to show a reasonable possibility of torture by or with the consent or acquiescence of the government if returned to Mexico. *See Andrade-Garcia v. Lynch*, 828 F.3d 829, 836-37 (9th Cir. 2016) (petitioner failed to demonstrate government acquiescence sufficient to establish a reasonable possibility of future torture).

Cardenas Jimenez's opposed request for judicial administrative closure (Docket Entry No. 22) is denied.

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

PETITION FOR REVIEW DENIED.