

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 20 2023

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

MINOR GUERRA MARTINEZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney General,

Respondent.

No. 22-945

Agency No. A200-975-968

MEMORANDUM*

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

Submitted October 18, 2023**
San Francisco, California

Before: W. FLETCHER, NGUYEN, and R. NELSON, Circuit Judges.

Petitioner Guerra Martinez, a citizen of Guatemala, petitions for review of a decision by the Board of Immigration Appeals (BIA) dismissing his appeal from a decision of an Immigration Judge (IJ) denying his application for withholding of removal and protection under the Convention Against Torture (CAT). We have jurisdiction under § 242 of the Immigration and Nationality Act, 8 U.S.C. § 1252, and § 2242(d) of the Foreign Affairs Reform and Restructuring Act, 8 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes that this case is suitable for decision without oral argument. *See* FED. R. APP. P. 34(a)(2)(C).

§ 1231 note. *See Nasrallah v. Barr*, 140 S. Ct. 1683, 1690–91 (2020). We deny the petition.

1. Substantial evidence supports the BIA’s determination that Petitioner does not meet the standard for withholding of removal. Petitioner must establish that his “life or freedom would be threatened... on account of [a protected ground].” 8 C.F.R. § 208.16(b)(2); *see also Barajas-Romero v. Lynch*, 846 F.3d 351, 358–60 (9th Cir. 2017) (protected ground must be “a reason” for the persecution to establish a nexus for withholding of removal under section 241(b)(3)(A) of the Act); Petitioner states he fears he will be targeted “because of [his] failure to abide by the criminal organizations’ demands.” Because a noncitizen’s “desire to be free from harassment by criminals motivated by theft or random violence by gang members bears no nexus to a protected ground,” *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010), Petitioner’s withholding of removal claim fails.

2. Substantial evidence supports the BIA’s determination that Petitioner does not meet the standard for CAT relief. Petitioner presented no evidence about why he specifically would be “more likely than not” tortured if he returned to Guatemala. *See* 8 C.F.R. § 208.16(c)(2); *Almaghzar v. Gonzales*, 457 F.3d 915, 922–23 (9th Cir. 2006) (although the country reports confirmed that torture took place in the country, “they did not compel the conclusion that [the noncitizen]

would be tortured if returned.”) Petitioner’s CAT claim thus fails.

DENIED.