

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 18 2024

FOR THE NINTH CIRCUIT

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

EDILSA ALONZO VASQUEZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 23-3486

Agency No.  
A215-737-171

MEMORANDUM\*

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

Submitted September 13, 2024\*\*  
San Francisco, California

Before: GOULD and BUMATAY, Circuit Judges, and COLLINS, District  
Judge.\*\*\*

Edilsa Clarivel Alonzo Vasquez, a citizen of Guatemala, seeks review of the  
Board of Immigration Appeals' ("BIA") dismissal of her appeal of an Immigration

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\* 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).

\*\*\* The Honorable Raner C. Collins, United States District Judge for the  
District of Arizona, sitting by designation.

Judge’s (“IJ”) order denying her application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review the BIA’s legal conclusions de novo and factual determinations for substantial evidence. *See Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1059 (9th Cir. 2017) (en banc). We deny the petition.

1. Substantial evidence supports the BIA’s conclusion to deny Alonzo Vasquez’s asylum and withholding of removal claims. First, Alonzo Vasquez did not experience past persecution. *See Sharma v. Garland*, 9 F.4th 1052, 1060 (9th Cir. 2021). Unfulfilled threats rarely rise to the level of past persecution. *See Lim v. INS*, 224 F.3d 929, 936 (9th Cir. 2000). While Alonzo Vasquez was threatened multiple times by a woman, she was never physically harmed. There was one instance where the woman attempted to strike Alonzo Vasquez but was unsuccessful. Because this treatment is not so menacing as to cause significant harm, the agency did not err in finding Alonzo Vasquez was not persecuted. *See Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019) (upholding the agency’s determination of no past persecution where petitioner received two death threats but was not physically hurt).

Second, substantial evidence supports the BIA’s finding that Alonzo Vasquez did not show a sufficient nexus between the threats she received and her membership in a particular social group. *See Singh v. Barr*, 935 F.3d 822, 827 (9th Cir. 2019).

Alonzo Vasquez proposes she is a member of three particular social groups: her immediate family, “Guatemalan women,” and “Guatemalan women without a male protector.” However, Alonzo Vasquez did not submit evidence that the woman who attempted to hurt her had any interest in harming her because she was a member of her immediate family or a Guatemalan woman. To the contrary, Alonzo Vasquez testified that her harasser was motivated by personal animus because Alonzo Vasquez married the woman’s ex-partner. That personal animus is insufficient to establish nexus with a protected ground. *See Madrigal v. Holder*, 716 F.3d 499, 506 (9th Cir. 2013) (holding that “mistreatment motivated purely by personal retribution will not give rise to a valid asylum claim”).

Finally, substantial evidence supports the BIA’s finding that Alonzo Vasquez did not show a well-founded fear of future persecution. *See Sharma*, 9 F.4th at 1065. Alonzo Vasquez claims that her fear is objectively reasonable because the woman tried to hurt her before and will try again. However, Alonzo Vasquez testified that she was never actually harmed because her mother protected her. And she further admitted that she would be safe living with her family in Guatemala. So substantial evidence supports the BIA’s conclusion that Alonzo Vasquez’s fear is not objectively reasonable.

2. The BIA also did not err in denying Alonzo Vasquez’s CAT claim. To establish withholding of removal under CAT, Alonzo Vasquez must show that it is

more likely than not she will be tortured upon her return to Guatemala. *See* 8 C.F.R. § 1208.16(c)(2). Because she failed to establish that she was persecuted, Alonzo Vasquez similarly failed to show that she was tortured. *See Sharma*, 9 F.4th at 1067 (concluding that because harm did not rise to the level of persecution, it “necessarily f[ell] short of the definition of torture”). And although Alonzo Vasquez submitted country conditions evidence showing that women in Guatemala are often abused domestically, that generalized evidence is insufficient to show that she is more likely than not to be tortured if removed to Guatemala. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (finding generalized evidence of crime and violence insufficient to show petitioner was more likely than not to be tortured). So the BIA properly concluded that Alonzo Vasquez did not show she is more likely than not to be tortured upon removal.

**PETITION DENIED.**