

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 9 2024

FOR THE NINTH CIRCUIT

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

LUIS MIGUEL GEORGE-
GUTIERREZ; ZAIDA MARINA
CANTILLANO-URBINA; SHELSY
BELEN GEORGE-CANTILLANO,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 23-4086

Agency Nos.
A220-907-493
A220-907-494
A220-907-495

MEMORANDUM*

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

Submitted December 5, 2024**
Pasadena, California

Before: GRABER, SANCHEZ, and H.A. THOMAS, Circuit Judges.

Petitioners Luis Miguel George-Gutierrez, Zaida Marina Cantillano-Urbina,
and Shelsy Belen George-Cantillano are citizens of Honduras who fled to the

* 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).

United States after being extorted and threatened by gang members. They petition for review of a decision by the Board of Immigration Appeals affirming a decision by an immigration judge (collectively, “the Agency”) denying their applications for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252 and deny the petition.

1. Petitioners have not challenged the Agency’s dispositive finding that they failed to establish a nexus to a protected ground. They have therefore forfeited any such challenge. *Rodriguez-Hernandez v. Garland*, 89 F.4th 742, 745 n.1 (9th Cir. 2023). Even if Petitioners’ challenge were not forfeited, substantial evidence supports the Agency’s determination that the harm Petitioners experienced resulted from generalized criminal activities, not on account of a protected ground. *See Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (“An alien’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.”).

2. Substantial evidence supports the Agency’s conclusions that Petitioners are ineligible for protection under CAT. To be eligible for CAT relief, a petitioner must show that they are “more likely than not” to be subjected to torture if removed to their native country. *Xochihua-Jaimes v. Barr*, 962 F.3d 1175, 1188 (9th Cir. 2020). The record reflects that gang members have not inquired about

Petitioners since the beginning of 2022. Because Petitioners' fears of torture are speculative, Petitioners have not established that it is more likely than not that they would be tortured if returned to Honduras.

PETITION DENIED.