

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 21 2025

FOR THE NINTH CIRCUIT

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

LORENA QUEDUVINA NAVARRETE
ORTIZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 24-121

Agency No.
A208-152-755

MEMORANDUM*

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

Submitted January 16, 2025**
Pasadena, California

Before: TALLMAN, FRIEDLAND, and BENNETT, Circuit Judges.

Lorena Queduvina Navarrete Ortiz, a citizen of El Salvador, petitions for review of a decision by the Board of Immigration Appeals (“BIA”) affirming the denial of her application for asylum, withholding of removal, and protection 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).

the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review legal conclusions de novo and factual findings for substantial evidence, *Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1059 (9th Cir. 2017) (en banc), and we deny the petition.

Petitioner asserts that she is eligible for asylum and withholding of removal because she faces persecution in El Salvador “on account of . . . membership in a particular social group.” *Villegas Sanchez v. Garland*, 990 F.3d 1173, 1179 (9th Cir. 2021) (quoting *Baghdasaryan v. Holder*, 592 F.3d 1018, 1022–23 (9th Cir. 2010)); *see id.* at 1183 (noting that “protected grounds” for withholding of removal are “defined in the same way as for asylum”). The Immigration Judge (“IJ”) concluded that Petitioner failed to establish membership in a cognizable particular social group and accordingly denied Petitioner’s application for asylum and withholding of removal. The BIA held that Petitioner did not meaningfully challenge that conclusion in her brief to the BIA and that Petitioner therefore had waived any challenge to the IJ’s denial of asylum and withholding of removal. Because Petitioner’s brief to our court has failed to contest the BIA’s waiver determination, we deny the petition as to Petitioner’s asylum and withholding claims. *See Martinez-Serrano v. I.N.S.*, 94 F.3d 1256, 1259–60 (9th Cir. 1996).

The BIA appropriately denied Petitioner’s CAT claim. To succeed on her CAT claim, Petitioner must demonstrate that she is at risk of torture “inflicted by, or

at the instigation of, or with the consent or acquiescence of, a public official.”
8 C.F.R. § 1208.18. The BIA held that Petitioner failed to do so, and Petitioner has identified no error in the BIA’s reasoning. *Andrade-Garcia v. Lynch*, 828 F.3d 829, 836 (9th Cir. 2016) (holding that evidence of “general ineffectiveness on the government’s part to investigate and prevent crime [does] not suffice to show acquiescence”).

PETITION DENIED.