NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NEUDES CARLOS FERNANDES ESTORARI; ERICA FREITAS DE OLIVEIRA; LARA FERNANDES DE OLIVEIRA ESTORARI, Petitioners, v. PAMELA BONDI, Attorney General, Respondent.	No. 24-1333 Agency Nos. A213-387-876 A213-387-877 A213-387-878 MEMORANDUM*

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

Submitted March 7, 2025**
San Francisco, California

Before: WARDLAW, PAEZ, and BEA, Circuit Judges.

Neudes Carlos Fernandes Estorari, his wife, Erica Freitas de Oliveira, and their minor daughter, Lara Fernandes de Oliveira Estorari[1] (collectively,

* 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).

[1] Erica and Lara are derivative beneficiaries of Estorari's application.

"Petitioners"), all natives and citizens of Brazil, seek review of a decision by the Board of Immigration Appeals ("BIA") dismissing an appeal from an order of an Immigration Judge ("IJ") denying their application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. "In reviewing the BIA's decisions, we consider only the grounds relied upon by that agency." *Garcia v. Wilkinson*, 988 F.3d 1136, 1142 (9th Cir. 2021). We review the agency's factual findings for substantial evidence and must uphold them unless the evidence compels a contrary conclusion. *See Plancarte Sauceda v. Garland*, 23 F.4th 824, 831 (9th Cir. 2022). We deny the petition.

1. Substantial evidence supports the agency's conclusion that Petitioners failed to establish eligibility for asylum or withholding of removal. The BIA affirmed the IJ's finding that the mistreatment Estorari experienced did not rise to the level of persecution. The record does not compel a contrary conclusion. Estorari testified that his former friends threw rocks at him and his wife one night and made comments "teasing" him about his religious beliefs. "We have repeatedly denied petitions for review when, among other factors, the record did not demonstrate significant physical harm." *Sharma v. Garland*, 9 F.4th 1052, 1061 (9th Cir. 2021); *see, e.g.*, *Gu v. Gonzales*, 454 F.3d 1014, 1020 (9th Cir. 2006). Further, any threats posed by the comments were not "so menacing as to

cause significant actual suffering or harm" to Estorari. *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019).

2. The BIA also affirmed the IJ's finding that Petitioners could reasonably relocate within Brazil to avoid harm. The record does not compel a contrary conclusion. Although Estorari testified that his former friends could hurt him wherever he went in Brazil, he submitted no evidence that his former friends have expressed interest in his whereabouts or a desire to harm him since the rock-throwing incident in 2021. There is no "objective evidence demonstrating a well-founded fear of persecution" when "the record is devoid of any evidence that [alleged persecutors] have shown any interest or concern" with the petitioner since the time of the alleged past persecution. *See Gu*, 454 F.3d at 1022. The record also lacks evidence compelling the conclusion that it would be unreasonable for Petitioners to relocate within Brazil. Even though Estorari stated that he would be jobless if he moved to another place, there is no record evidence that Estorari's ability to find employment in Brazil was negatively affected and Estorari has siblings who live in different areas of Brazil.

3. Because Petitioners did not challenge the IJ's denial of protection under CAT in their appeal to the BIA or in their opening brief, they have waived their CAT claim on appeal. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996).

PETITION FOR REVIEW DENIED.[2]

[2] Petitioners' Motion to Stay Removal (Dkt. No. 9) is denied as moot. The temporary stay (Dkt. No. 12) shall be lifted upon issuance of the mandate.