NOT FOR PUBLICATION

FILED

MAR 31 2025

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALEXANDER ANDERSON LINAN GONZALES; RAYSHELL BETZABETH LINAN CARBAJAL; RAY ANDERSON LINAN CARBAJAL; YAHAIRA ZULEIKA CARBAJAL LAZO,

Petitioners,

v.

PAMELA BONDI, Attorney General,

Respondent.

No. 24-373

Agency Nos. A241-887-523
A241-887-510
A241-887-511
A241-887-980

MEMORANDUM*

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

Submitted March 26, 2025**
Pasadena, California

Before: NGUYEN and MENDOZA, Circuit Judges, and KERNODLE, District Judge.***

* 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 Jeremy D. Kernodle, United States District Judge for the Eastern District of Texas, sitting by designation.

Petitioners are members of a family from Peru. Mr. Linan Gonzales is the lead petitioner, Yahaira is his spouse, and Ray and Rayshell are their minor children. They petition for review of a decision by the Board of Immigration Appeals ("BIA") affirming the denial of asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). We have jurisdiction pursuant to 8 U.S.C. § 1252 and deny the petition.

When, as here, "the BIA conducts its own review of the evidence and law, rather than adopting the IJ's decision, our review is limited to the BIA's decision, except to the extent the IJ's opinion is expressly adopted." *Rodriguez v. Holder*, 683 F.3d 1164, 1169 (9th Cir. 2012) (citation and internal quotation marks omitted). Whether a particular social group is cognizable is a question of law that the Court reviews de novo. *Diaz-Reynoso v. Barr*, 968 F.3d 1070, 1076 (9th Cir. 2020) (citing *Conde Quevedo v. Barr*, 947 F.3d 1238, 1242 (9th Cir. 2020)). The BIA's factual findings are reviewed for "substantial evidence," and "should be upheld 'unless the evidence compels a contrary result.'" *Budiono v. Lynch*, 837 F.3d 1042, 1046 (9th Cir. 2016) (quoting *Hernandez-Mancilla v. Holder*, 633 F.3d 1182, 1184 (9th Cir. 2011)).

1. The BIA's denial of asylum and withholding of removal is supported because Mr. Linan's proposed social groups of "wealthy business owners" and "business owners" are not cognizable. Generally, business ownership is not

immutable. *See Macedo Templos v. Wilkinson*, 987 F.3d 877, 882-83 (9th Cir. 2021) ("[B]eing a wealthy business owner is not an immutable characteristic because it is not fundamental to an individual's identity."). Unlike "nursing," for example, which involves "specialized medical training" that a nurse retains regardless of whether they have left the job, nothing in the record demonstrates Mr. Linan's ownership of a security company involved specialized skills to be considered an immutable characteristic. *See Plancarte Sauceda v. Garland*, 23 F.4th 824, 834 (9th Cir. 2022) (concluding that the proposed social group of "female nurses" meets the immutability requirement).

2. Substantial evidence supports the BIA's denial of CAT relief because Mr. Linan failed to show it is more likely than not that he would be tortured if he returned to Peru. Mr. Linan relies only on generalized country conditions, noting the prevalence of human rights violations and police corruption, as evidenced by the 2022 State Department Report on Human Rights in Peru, which does not compel CAT relief. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (per curiam) ("Petitioners' generalized evidence of violence and crime in Mexico is not particular to Petitioners and is insufficient to meet this [CAT] standard."). Furthermore, Mr. Linan's claim of fear of future torture is undermined by evidence that his father and brother continue to run his company in Peru, and they remain unharmed and unthreatened. *See Mansour v. Ashcroft*, 390 F.3d 667,

673 (9th Cir. 2004) (A claim of future fear of persecution or torture is weakened when similarly-situated family members continue to live in the country of removal without incident.); *Sharma v. Garland*, 9 F.4th 1052, 1066 (9th Cir. 2021) ("The ongoing safety of family members in the petitioner's native country undermines a reasonable fear of future persecution.").

PETITION DENIED.