

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 26 2025

FOR THE NINTH CIRCUIT

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

JONATHAN AMED FERNANDEZ-
LAZO; et al.,

Petitioners,

v.

PAMELA BONDI, Attorney General,

Respondent.

No. 25-88

Agency Nos.

A209-399-889

A209-399-890

A209-399-891

A209-399-913

A209-399-914

MEMORANDUM*

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

Submitted June 18, 2025**

Before: CANBY, S.R. THOMAS, and SUNG, Circuit Judges.

Jonathan Amed Fernandez-Lazo, Jenny Emelina Velasquez-Lopez, and their three children, natives and citizens of Honduras, petition pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's ("IJ's") decision denying their applications for asylum and

* 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).

adult petitioners' applications for withholding of removal and protection under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Arrey v. Barr*, 916 F.3d 1149, 1157 (9th Cir. 2019). We review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Petitioners do not challenge the BIA's conclusion that they waived review of the IJ's dispositive cognizability and nexus determinations. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013) (issues not raised in the opening brief are forfeited). We do not address petitioners' contentions as to the merits of their claims because the BIA did not deny relief on these grounds. *See Santiago-Rodriguez v. Holder*, 657 F.3d 820, 829 (9th Cir. 2011) ("In reviewing the decision of the BIA, we consider only the grounds relied upon by that agency." (citation and internal quotation marks omitted)).

Thus, petitioners' asylum claims and adult petitioners' withholding of removal claims fail.

Substantial evidence supports the agency's denial of CAT protection because adult petitioners failed to show it is more likely than not they will be tortured by or with the consent or acquiescence of the government if returned to Honduras. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009).

Adult petitioners' contention that the agency should apply the "substantial grounds for believing" standard instead of the "more likely than not standard" for CAT protection is without merit. *See Kamalthas v. INS*, 251 F.3d 1279, 1284 (9th Cir. 2001) (petitioner must satisfy "more likely than not" standard "whenever he or she presents evidence establishing 'substantial grounds for believing that he [or she] would be in danger of being subjected to torture' in the country of removal" (alteration in original)).

The temporary stay of removal remains in place until the mandate issues. The motion to stay removal is otherwise denied.

PETITION FOR REVIEW DENIED.