

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 18 2025

FOR THE NINTH CIRCUIT

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

MILADYS LVETH MONTOYA-
CAMPOS,*

Petitioner,

v.

PAMELA BONDI, Attorney General,

Respondent.

No. 21-1425

Agency No.
A206-808-410

MEMORANDUM**

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

Submitted November 12, 2025***

Before: SCHROEDER, RAWLINSON, and NGUYEN, Circuit Judges.

Miladys Lveth Montoya-Campos, a native and citizen of El Salvador,
petitions pro se for review of the Board of Immigration Appeals' ("BIA") order

* The clerk will amend the docket to reflect petitioner's name as Miladys Lveth Montoya-Campos, consistent with the final removal order in the certified administrative record.

** 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).

dismissing her appeal from an immigration judge's ("IJ") decision denying her applications for asylum, 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 and constitutional claims. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Substantial evidence supports the agency's determination that Montoya-Campos failed to show she was or would be persecuted on account of a protected ground. *See Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (an applicant'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"). We reject as unsupported by the record Montoya-Campos's contention that the agency improperly imposed a blanket rule that harm from gangs cannot be a valid basis for asylum.

Because Montoya-Campos failed to show any nexus to a protected ground, she also failed to satisfy the standard for withholding of removal. *See Barajas-Romero v. Lynch*, 846 F.3d 351, 359-60 (9th Cir. 2017).

Thus, Montoya-Campos's asylum and withholding of removal claims fail.

We need not reach Montoya-Campos's remaining contentions regarding the

merits of these claims because lack of nexus is dispositive. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) (courts and agencies are not required to decide issues unnecessary to the results they reach).

Montoya-Campos does not challenge the BIA's determination that she waived review of the IJ's denial of CAT protection, so we do not address it. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013).

To the extent Montoya-Campos claims ineffective assistance of counsel, this contention is not properly before the court because she did not raise it before the BIA. *See* 8 U.S.C. § 1252(d)(1) (administrative remedies must be exhausted); *see also Santos-Zacaria v. Garland*, 598 U.S. 411, 417-19 (2023) (section 1252(d)(1) is not jurisdictional); *Puga v. Chertoff*, 488 F.3d 812, 815-16 (9th Cir. 2007) (ineffective assistance of counsel claims must be raised in a motion to reopen before the BIA).

We do not consider the materials Montoya-Campos references in the opening brief that are not part of the administrative record. *See Fisher v. INS*, 79 F.3d 955, 963-64 (9th Cir. 1996) (en banc).

The temporary stay of removal remains in place until the mandate issues.

PETITION FOR REVIEW DENIED.