

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 1 2025

FOR THE NINTH CIRCUIT

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

KARINA MIRAMONTES GARCIA,

No. 24-7345

Petitioner,

Agency No.

A043-270-816

v.

MEMORANDUM*

PAMELA BONDI, Attorney General,

Respondent.

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

Submitted November 17, 2025**
Pasadena, California

Before: WARDLAW, BERZON, and MILLER, Circuit Judges.

Karina Miramontes Garcia, a native and citizen of Mexico, petitions for review of a Board of Immigration Appeals decision dismissing her appeal of an immigration judge's order denying her applications for asylum, withholding of

* 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).

removal, and deferral of removal under the Convention Against Torture (CAT).

We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

We review the agency’s factual findings for substantial evidence and must uphold the findings “unless any reasonable adjudicator would be compelled to conclude to the contrary.” *Garland v. Ming Dai*, 593 U.S. 357, 365 (2021) (quoting 8 U.S.C. § 1252(b)(4)(B)).

1. At Miramontes Garcia’s hearing before the immigration judge, her counsel conceded that Miramontes Garcia’s controlled-substance conviction made her ineligible for asylum and withholding of removal. Based on that concession, the Board concluded that her asylum and withholding claims had been waived and were “not properly before [it] on appeal.” Although Miramontes Garcia now argues the merits of her withholding of removal claim, she makes no argument that the Board was wrong to treat that claim as waived. And Miramontes forfeited any such argument by failing to raise it before the Board. *See Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023); 8 U.S.C. § 1252(d)(1).

2. As for Miramontes Garcia’s CAT claim, because the Board adopted and affirmed the immigration judge’s decision on that issue and cited *Matter of Burbano*, 20 I & N. Dec. 872 (B.I.A. 1994), we review both the Board’s decision and the immigration judge’s decision. *Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022).

Substantial evidence supports the agency’s determination that Miramontes Garcia failed to establish that (1) “it is more likely than not that [s]he . . . would be tortured if removed,” *Hernandez v. Garland*, 52 F.4th 757, 768–69 (9th Cir. 2022) (quoting 8 C.F.R. § 1208.16(c)(2)), and (2) the torture would be “inflicted by, or at the instigation of, or with the consent or acquiescence of, a public official,” 8 C.F.R. § 1208.18(a)(1). Miramontes Garcia asserts that she fears retribution in Mexico from narcotics traffickers associated with her ex-boyfriend, Randy, against whom she gave statements to the police in 2017. She testified that after she provided her statement, Randy threatened her. She further testified that authorities in Mexico are corrupt and susceptible to bribery and that they would not protect her.

Miramontes Garcia has not been tortured, or harmed in any way, in Mexico in the past. And, as the immigration judge observed, she “only spoke in generalities” about the narcotics traffickers who might harm her. Her speculation is not enough to show a particularized threat of harm. *See Park v. Garland*, 72 F.4th 965, 980 (9th Cir. 2023) (“The record must show that it is more likely than not that the petitioner will face a particularized and non-speculative risk of torture.”) (emphasis omitted). Moreover, Miramontes Garcia presented only generalized evidence and speculation that the Mexican government would acquiesce to her alleged torture. *See Hernandez*, 52 F.4th at 770.

The temporary stay of removal will remain in place until the issuance of the mandate. The motion for a stay of removal (Dkt. No. 1) is otherwise denied.

PETITION DENIED.