

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 22 2026

FOR THE NINTH CIRCUIT

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

MELVIN JUANITO MORALES-ITZEP,

Petitioner,

v.

TODD BLANCHE, Acting Attorney
General,

Respondent.

No. 25-6274

Agency No.
A201-673-059

MEMORANDUM*

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

Submitted May 18, 2026**
Pasadena, California

Before: LEE, BUMATAY, and SUNG, Circuit Judges.

Melvin Juanito Morales-Itzep, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' decision affirming an immigration judge's ("IJ's") denial of his applications for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have jurisdiction under

* 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).

8 U.S.C. § 1252 and deny the petition.

1. Substantial evidence supports the IJ’s finding that Morales-Itzep did not suffer past persecution or show a well-founded fear of future persecution. *See Urias-Orellana v. Bondi*, 607 U.S. ---, 146 S. Ct. 845, 851 (2026) (holding that courts must review an agency’s persecution determination for substantial evidence). As to past persecution, Morales-Itzep’s mother testified that neither she nor Morales-Itzep suffered physical injuries during the 2016 break-in or in the two years they continued living in the home. And Morales-Itzep does not allege that, aside from that incident, anyone threatened or attempted violence against him in Guatemala. *See Sharma v. Garland*, 9 F.4th 1052, 1061–62 (9th Cir. 2021) (noting that an isolated criminal incident does not rise to the level of persecution).

Substantial evidence also supports the IJ’s finding that Morales-Itzep did not show an objectively reasonable fear of future persecution. Morales-Itzep’s mother’s testimony regarding the break-in is not sufficient to show an objectively reasonable fear of persecution, and Morales-Itzep has not presented evidence showing that he faces a greater risk of gang-related harm than other citizens of Guatemala. *See Bhasin v. Gonzales*, 423 F.3d 977, 984 (9th Cir. 2005) (noting that to establish prima facie eligibility for asylum or withholding, an applicant must present evidence that he faces “an individualized, rather than generalized, risk of persecution”).

Because substantial evidence supports the IJ’s holding that Morales-Itzep is

not eligible for asylum, we need not reach Morales-Itzep’s unexhausted claim that the IJ committed procedural error under the REAL ID Act.

2. Substantial evidence also supports the denial of Morales-Itzep’s withholding of removal claim. Failure to meet the “reasonable fear” of persecution standard for asylum necessarily means an applicant cannot meet the higher “more likely than not” standard for withholding of removal. *Silva v. Garland*, 993 F.3d 705, 719 (9th Cir. 2021), *abrogated on other grounds by Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024). Here, because Morales-Itzep did not show a “reasonable fear” of persecution, his withholding claim fails.

3. Substantial evidence also supports the denial of CAT. For CAT relief, a petitioner must show that he or she is “more likely than not” to be intentionally tortured by the government or with its acquiescence. 8 C.F.R. § 1208.16(c)(2); *Andrade v. Garland*, 94 F.4th 904, 914 (9th Cir. 2024). The “concept [of torture] is more severe than persecution.” *Guo v. Sessions*, 897 F.3d 1208, 1217 (9th Cir. 2018) (simplified). Because the record evidence does not compel a finding that Morales-Itzep is more likely than not to experience persecution for the purpose of withholding of removal, that same evidence does not compel a finding that he is more likely than not to experience torture if removed.

Morales-Itzep’s petition is **DENIED**. His opposed motion for a stay of removal is also **DENIED**.