

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 20 2026

FOR THE NINTH CIRCUIT

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

ESMERALDA LUJAN GODINA; M. R.
L.; F. R. L.; E. R. L.,

Petitioners,

v.

TODD BLANCHE, Acting Attorney
General,

Respondent.

No. 25-5521

Agency Nos.

A240-370-462

A240-370-463

A240-370-464

A240-370-465

MEMORANDUM*

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

Submitted July 15, 2026**

Before: McKEOWN, OWENS, and LEE, Circuit Judges.

Esmeralda Lujan Godina and her three children (collectively, Petitioners),
natives and citizens of Mexico, petition for review of the Board of Immigration
Appeals' decision dismissing their appeal from an immigration judge's decision

* 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).

denying asylum, withholding of removal, and protection under the Convention Against Torture (CAT). “We review the denial of asylum, withholding of removal and CAT claims for substantial evidence.” *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019). “Under this standard, we must uphold the agency determination unless the evidence compels a contrary conclusion.” *Id.* As the parties are familiar with the facts, we do not recount them here. We deny the petition for review.

1. An applicant may establish eligibility for asylum by demonstrating either past persecution or a well-founded fear of future persecution. 8 C.F.R.

§ 1208.13(b). To establish past persecution, an applicant must show that the harm suffered was sufficiently severe to rise to the level of persecution. *See Sharma v. Garland*, 9 F.4th 1052, 1060–61 (9th Cir. 2021) (holding that persecution “is an extreme concept that means something considerably more than discrimination or harassment” (citation omitted)). Absent a finding of past persecution, an applicant must establish a well-founded fear of future persecution by proving, among other things, that internal relocation is unreasonable. 8 C.F.R. § 1208.13(b)(2)(ii), (b)(3).

Substantial evidence supports the agency’s determination that Petitioners failed to establish past harm rising to the level of persecution. Petitioners claim past harm due to their encounters with an individual named Mario and his

associates. Petitioners acknowledge that Mario's abuse was "mostly verbal" and that they did not "suffer[] any serious injuries." *See Sharma*, 9 F.4th at 1063 (concluding that the petitioner did not suffer persecution where they experienced verbal abuse but no significant physical injury). Moreover, Mario's threats were vague and never fulfilled. Substantial evidence thus supports the agency's conclusion that because Mario lacked the will or ability to carry out even the most severe of his threats – including death threats – they did not constitute persecution. *See Villegas Sanchez v. Garland*, 990 F.3d 1173, 1179 (9th Cir. 2021) (concluding that vague death threats without accompanying acts of violence did not rise to the level of persecution).

Substantial evidence also supports the agency's determination that Petitioners did not establish a well-founded fear of future persecution because they failed to show that internal relocation would be unreasonable. For example, after the encounters with Mario, Petitioners safely moved to a family member's ranch and then rented an apartment in their home state. *See Duran-Rodriguez*, 918 F.3d at 1029 (concluding that relocation was reasonable because the petitioner could relocate to a family member's residence where he had previously resided unharmed while avoiding his harassers).

2. Because Petitioners failed to establish a well-founded fear of future persecution, substantial evidence also supports the agency's determination that

they are ineligible for withholding of removal. *See Sarkar v. Garland*, 39 F.4th 611, 622 (9th Cir. 2022) (stating that an applicant who cannot meet the asylum standard is necessarily ineligible for withholding relief because the latter’s standard is “more stringent” (citation omitted)).

3. Finally, substantial evidence supports the agency’s determination that Petitioners are ineligible for CAT protection. “To be eligible for relief under CAT, an applicant bears the burden of establishing that she will more likely than not be tortured with the consent or acquiescence of a public official if removed.”

Xochihua-Jaimes v. Barr, 962 F.3d 1175, 1183 (9th Cir. 2020). Evidence relevant to determining the possibility of future torture includes, principally, evidence of past torture, as well as the possibility of relocation. 8 C.F.R. § 1208.16(c)(3); *Gomez Fernandez v. Barr*, 969 F.3d 1077, 1091 (9th Cir. 2020) (explaining that past torture is “ordinarily the principal factor” when determining the likelihood of future torture (citation omitted)). Here, Petitioners failed to establish past torture, an inability to relocate, or an individualized risk of torture.

4. The motion for a stay of removal, Dkt. No. 3, is denied.

PETITION DENIED.