

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 20 2026

FOR THE NINTH CIRCUIT

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

EDWARD EDUARDO VEGA-
RODRIGUEZ; KARINA DEL ROSARIO
DIAZ LLAHUANA; C. D. R. V.-D.,

Petitioners,

v.

TODD BLANCHE, Acting Attorney
General,

Respondent.

No. 25-6664

Agency Nos.
A241-972-256
A241-972-257
A241-972-259

MEMORANDUM*

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

Submitted August 14, 2026**
San Francisco, California

Before: LEE, MENDOZA, JR., and DE ALBA, Circuit Judges.

Edward Vega-Rodriguez, Karina Diaz-Llahuana, and their minor child, all
natives of Peru, seek review of the Board of Immigration Appeals' (BIA) dismissal

* 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).

of their appeal of an Immigration Judge’s (IJ) decision denying their claims for asylum, withholding of removal, and Convention Against Torture (CAT) protection. We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

We review the agency’s factual findings and “primarily factual mixed question[s]” “for substantial evidence.” *Gonzalez-Juarez v. Bondi*, 137 F.4th 996, 1003 (9th Cir. 2025).

1. Asylum and withholding. To be eligible for asylum or withholding of removal, an applicant must establish a nexus between a protected ground and the alleged persecution. 8 U.S.C. § 1158(b)(1)(B)(i) (asylum); *see Barajas-Romero v. Lynch*, 846 F.3d 351, 357–58 (9th Cir. 2017) (discussing the nexus standards for asylum and withholding of removal).

Substantial evidence supports the agency’s determination that the petitioners failed to show the requisite nexus. The petitioners claim that the El Tren de Aragua (TDA) criminal organization targeted them because of Vega-Rodriguez’s affiliation with the Accion Popular political party but the evidence supports the agency’s conclusion that the petitioners were rather targeted because of their profitable business.¹ In his sworn statement, Vega-Rodriguez referred to his successful pizzeria

¹ The BIA correctly determined that the petitioners’ family-based claim was forfeited because they did not present it to the IJ. *Brownfield v. City of Yakima*, 612 F.3d 1140, 1149 n.4 (9th Cir. 2010) (explaining that a bare assertion does not preserve a claim). The petitioners argue that Diaz-Llahuana’s Form I-589 asylum application preserved the family-based claim because Diaz-Llahuana stated that she believed the TDA

business as the reason for extortion. Additionally, during both direct and cross examination at the December 2023 hearing, Vega-Rodriguez explained that TDA members targeted him and his family due to the success of the pizzeria, and he also answered during cross-examination that the TDA was not interested in his political ideology. Diaz-Llahuana also testified that the TDA targeted her and her family because of the pizzeria during the January 2024 hearing. Diaz-Llahuana also admitted that other similarly successful businesses were being extorted in the area. While Vega-Rodriguez speculated that “party helping” was a reason for being targeted by the TDA, he offered no evidence to support this argument.

And because they failed to meet the lower standard of proof for an asylum claim, the petitioners necessarily fail to satisfy the more stringent standard for a withholding of removal claim. *Ramirez-Munoz v. Lynch*, 816 F.3d 1226, 1230 (9th Cir. 2016).

2. CAT claim. To receive CAT protection, “an applicant must show ‘it is more likely than not that he or she would be tortured if removed to the proposed country of removal.’” *Plancarte Saucedo v. Garland*, 23 F.4th 824, 834 (9th Cir. 2022) (quoting 8 C.F.R. § 1208.16(c)(2)).

Substantial evidence supports the agency’s determination that the petitioners

would harm her family. This vague reference is insufficient. Moreover, the petitioners’ attorney explicitly told the IJ that the petitioners’ claims were based on political opinion and denied any other basis.

failed to show a particularized threat of torture upon return to Peru. *See Zheng v. Holder*, 644 F.3d 829, 835–36 (9th Cir. 2011) (rejecting torture claim where “claims of possible torture remain speculative”). The petitioners consistently refer to their successful pizzeria as a reason they were extorted by the TDA, but they closed the pizzeria in 2022. And country condition reports do not compel a different finding because generalized violence cannot establish particularization. *See Almaghar v. Gonzales*, 457 F.3d 915, 922–23 (9th Cir. 2006) (finding that even when country reports confirmed the occurrence of torture in Yemen, they did not compel a finding that the petitioner would be tortured upon return there).

Even if the petitioners could establish a sufficient likelihood of torture upon return to Peru, they did not demonstrate that the government would acquiesce in their torture. The Peruvian police accepted a report from Vega-Rodriguez, suggesting that they were willing to investigate. Even assuming the petitioners’ argument that the police neglected their report, “general ineffectiveness on the government’s part to investigate and prevent crime will not suffice to show acquiescence.” *Andrade-Garcia v. Lynch*, 828 F.3d 829, 836 (9th Cir. 2016).

PETITION DENIED.²

² Petitioners’ Motion to Stay Removal (Dkt. No. 3) is DENIED as moot.