

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 24 2026

FOR THE NINTH CIRCUIT

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

DORIAN GREY IXTABALAN SONTAY;
HEYZEL ARIANY PEREZ IXTABALAN,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 23-2164

Agency Nos.
A213-227-422
A220-673-157

MEMORANDUM*

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

Submitted August 24, 2026**

Before: O’SANNLAIN, SILVERMAN, and N.R. SMITH, Circuit Judges.

Dorian Grey Ixtabalan Sontay (“Sontay”) and her daughter petition for review of the Board of Immigration Appeals’ (BIA) decision affirming the Immigration Judge’s (IJ) denial of asylum, withholding of removal, and relief under the Convention Against Torture (CAT). We review legal questions de novo

* 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).

and the agency’s factual findings for substantial evidence. *See Plancarte Saucedo v. Garland*, 23 F.4th 824, 831 (9th Cir. 2022). Under the latter standard, “administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.” 8 U.S.C. § 1252(b)(4)(B). We deny the petition.

The BIA did not err in affirming the denial of Sontay’s claims for asylum and withholding of removal. In 2021, Sontay received several telephone threats from unknown callers who demanded that she pay money for an unpaid debt of her husband. Sontay contends that the central reason she was threatened is because she is the wife of her husband who, in 2019, also was threatened by unknown phone-calling extortionists, which led him to leave Guatemala for the United States. Sontay contends that she was persecuted in the past and has a well-founded fear of future persecution due to her membership in the particular social group of her nuclear family. The agency assumed, without deciding, that Sontay’s proposed social group was cognizable, and we do as well.

Substantial evidence supports the BIA’s conclusion that Sontay failed to establish a nexus between the past harm she suffered and fears, and her proposed social group of her nuclear family. *See Rodriguez-Zuniga v. Garland*, 69 F.4th 1012, 1018 (9th Cir. 2023) (explaining that a persecutor’s motive is a question of fact, reviewed for substantial evidence). The BIA reasonably concluded that the

unknown, phone-calling extortionists were motivated by criminal financial gain. *Id.* at 1019 (“Where the record indicates that the persecutor’s actual motivation for threatening a person is to extort money from a third person, the record does not compel finding that the persecutor threatened the target because of a protected characteristic such as family relation.”). Because Sontay failed to demonstrate that the extortionists were motivated by a protected ground, her asylum and withholding of removal claims fail. *See id.* at 1016, 2018 (“For both asylum and withholding claims, a petitioner must prove a causal nexus between one of her statutorily protected characteristics and either her past harm or her objectively tenable fear of future harm.”); *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (“An alien’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.”).¹

Substantial evidence also supports the agency’s denial of CAT protection because Sontay failed to show it is more likely than not that she will be tortured by

¹ Because Sontay’s failure to establish the requisite nexus to a protected ground is dispositive of the asylum and withholding claims, we need not address any other issues raised by Sontay relating to these claims. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”). Nor do we consider materials cited 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).

or with the consent or acquiescence of the government if returned to Guatemala.

See Aden v. Holder, 589 F.3d 1040, 1047 (9th Cir. 2009).

The motion to stay removal (Docket No. 2) is denied.

PETITION DENIED.