

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 31 2026

FOR THE NINTH CIRCUIT

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

JUAN DAVID FRANCO HERNANDEZ;  
et al.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-4113

Agency Nos.

A245-186-378

A245-186-577

A245-186-692

MEMORANDUM\*

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

Submitted August 25, 2026\*\*

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Juan David Franco Hernandez and his family, natives and citizens of Colombia, petition pro se for review of the Board of Immigration Appeals' ("BIA") order affirming without opinion an immigration judge's decision denying their applications for asylum, and Franco Hernandez's applications for withholding

---

\* 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 removal and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, and review de novo constitutional claims. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Substantial evidence supports the agency’s determination that petitioners did not establish that the government of Colombia was or is unable or unwilling to control the agents of any past or feared persecution. *See Castro-Perez v. Gonzales*, 409 F.3d 1069, 1072 (9th Cir. 2005) (record did not compel finding that government was unwilling or unable to control the feared harm). Thus, petitioners’ asylum claim and Franco Hernandez’s withholding of removal claim fail.

Substantial evidence also supports the agency’s denial of CAT protection because Franco Hernandez failed to show it is more likely than not he will be tortured by or with the consent or acquiescence of the government if returned to Colombia. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009).

Petitioners’ claim that the BIA violated due process by depriving them of fair review of their appeal documents fails for lack of prejudice. *See Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) (“[P]rejudice . . . means that the outcome of the proceeding may have been affected by the alleged violation.”).

The motion to stay removal is denied as moot.

**PETITION FOR REVIEW DENIED.**