

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 1 2026

FOR THE NINTH CIRCUIT

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

MARLON GAMALIEL GONZALEZ
GARCIA,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-5022

Agency No.
A208-948-280

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.

Marlon Gamaliel Gonzalez Garcia, a native and citizen of Guatemala, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his applications for asylum, withholding of removal, and protection under the

* 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).

Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *Arrey v. Barr*, 916 F.3d 1149, 1157 (9th Cir. 2019). We review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Gonzalez Garcia does not challenge the BIA’s conclusion that he waived review of the IJ’s determination that his asylum application was untimely, so we do not address it. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013). Thus, his asylum claim fails.

We do not address Gonzalez Garcia’s contentions as to the merits of his asylum claim because the BIA did not deny relief on these grounds. *See Santiago-Rodriguez v. Holder*, 657 F.3d 820, 829 (9th Cir. 2011) (“In reviewing the decision of the BIA, we consider only the grounds relied upon by that agency.” (citation and internal quotation marks omitted)).

As to withholding of removal, substantial evidence supports the agency’s conclusion that Gonzalez Garcia failed to show he suffered harm that rose to the level of persecution. *See Urias-Orellana v. Bondi*, 607 U.S. 537, 545 (2026) (the agency’s persecution determination is reviewed for substantial evidence); *Mendez-Gutierrez v. Ashcroft*, 340 F.3d 865, 869 n.6 (9th Cir. 2003) (unspecified threats were insufficient to rise to the level of persecution).

Substantial evidence also supports the agency's conclusion that Gonzalez Garcia failed to show a clear probability of future persecution, as required for withholding of removal. *See, e.g., Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003) (feared persecution "too speculative" to support asylum claim). Thus, his withholding of removal claim fails.

In light of this disposition, we need not reach Gonzalez Garcia's remaining contentions regarding cognizability. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) (courts and agencies are not required to decide issues unnecessary to the results they reach).

Finally, substantial evidence supports the agency's denial of CAT protection because Gonzalez Garcia 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 Guatemala. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009).

The motion to stay removal is denied as moot.

PETITION FOR REVIEW DENIED.