

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 8 2026

FOR THE NINTH CIRCUIT

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

JORGE DE JESUS TREJO-CANIZALEZ,

No. 21-366

Petitioner,

Agency No. A212-976-856

v.

MEMORANDUM*

TODD BLANCHE, U.S. Attorney General,

Respondent.

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

Submitted March 9, 2026**
Las Vegas, Nevada

Before: BENNETT and SANCHEZ, Circuit Judges, and HOLCOMB,** District
Judge.

Petitioner Jorge de Jesus Trejo-Canizalez, a native and citizen of El Salvador,
petitions for review of a Board of Immigration Appeals (“BIA”) order affirming the
decision of an Immigration Judge (“IJ”) denying asylum, withholding of removal,

* 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).

*** The Honorable John W. Holcomb, United States District Judge for the
Central District of California, sitting by designation.

and relief under the Convention Against Torture (“CAT”).¹ We review the agency’s denials of asylum, withholding of removal, and CAT relief for substantial evidence. *See Garcia-Milian v. Holder*, 755 F.3d 1026, 1031 (9th Cir. 2014). “Where the BIA writes its own decision, as it did here, we review the BIA’s decision, except to the extent it expressly adopts the IJ’s decision.” *Diaz-Reynoso v. Barr*, 968 F.3d 1070, 1075–76 (9th Cir. 2020). We have jurisdiction under 8 U.S.C. § 1252. We grant the petition with respect to Trejo-Canizalez’s asylum and withholding of removal claims, and we deny the petition with respect to Trejo-Canizalez’s denial of CAT protection claim.

1. “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.” *Rodriguez-Zuniga v. Garland*, 69 F.4th 1012, 1016 (9th Cir. 2023). We review the BIA’s nexus determination for substantial evidence. *See id.* Under that “highly deferential” standard, the BIA’s determination is “conclusive unless any reasonable adjudicator would be *compelled* to conclude to the contrary.” *Id.* (quoting *Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022)) (emphasis in original).

¹ Initially, Trejo-Canizalez also challenged the subject matter jurisdiction of the immigration court, but Trejo-Canizalez later withdrew his jurisdictional challenge. Accordingly, we do not address that challenge.

While we review the BIA’s nexus determination for substantial evidence, we have held that the BIA must review the IJ’s ultimate nexus determination *de novo*. See *Umana-Escobar v. Garland*, 69 F.4th 544, 551–53 (9th Cir. 2023). Here, the BIA “affirm[ed], as not clearly erroneous, the Immigration Judge’s determination that the respondent did not establish a nexus between the harm he experienced and fears and any ‘whistle blower’ activities.” *Umana-Escobar* makes clear that the BIA commits legal error when, as here, it expressly states that it applies clear error review to the nexus determination. See *id.* at 551–52, 553 n.5. The BIA’s surrounding analysis provides no independent alternative basis for its denial of Trejo-Canizalez’s asylum and withholding claims. Rather, the BIA expressly “decline[d] to reach the alternative bases of the Immigration Judge’s decision and the respondent’s related arguments.” And because “[o]ur review is limited to the BIA’s decision except where the IJ’s opinion is expressly adopted,” *Plancarte Saucedo v. Garland*, 23 F.4th 824, 831 (9th Cir. 2022), we may not address the IJ’s alternate bases for denial.

Accordingly, because the BIA applied the incorrect standard of review to the nexus determination, “we remand the asylum and withholding of removal claims so that the BIA can apply the proper standard.” *Umana-Escobar*, 69 F.4th at 553.

2. Substantial evidence supports the agency’s denial of CAT protection because Trejo-Canizalez has not established that he is more likely than not to face a particularized threat of torture by or with the acquiescence of officials in El Salvador.

See Lalayan v. Garland, 4 F.4th 822, 840 (9th Cir. 2021). Trejo-Canizalez claims that Salvadoran authorities demonstrated acquiescence when they offered an ineffective witness protection program and refused to accept his police complaint without more evidence. Those claims allege, at most, ineffectiveness, and we have held that “a 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); *see also* 8 C.F.R. § 208.18(a)(7). Furthermore, Trejo-Canizalez’s generalized country-conditions evidence does not compel the conclusion that he faces a “particularized, ongoing risk of future torture.” *Tzompantzi-Salazar v. Garland*, 32 F.4th 696, 707 (9th Cir. 2022); *see also Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (per curiam) (“Petitioners’ generalized evidence of violence and crime in Mexico is not particular to Petitioners and is insufficient to meet [the CAT] standard.”).

**PETITION GRANTED IN PART AND DENIED IN PART;
REMANDED.²**

² The supplemental motion for a stay of removal (Dkt. No. 7) is granted.