

NOT FOR PUBLICATION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

JAVIER ALBERTO BOCANEGRA
SALGUERO; DIANA PAOLA RICO
ALCANTARA; S. S. B. R.; M. P. R. R.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-6730

Agency Nos.

A249-022-543

A249-022-541

A249-022-544

A249-022-559

MEMORANDUM*

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

Submitted September 3, 2026**
San Francisco, California

Before: S.R. THOMAS, GOULD, and BYBEE, Circuit Judges.

Petitioner Javier Alberto Bocanegra Salguero (“Bocanegra”) is a native and

* 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).

citizen of Colombia.¹ He seeks review of the Board of Immigration Appeals’ (“BIA”) order dismissing his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We deny his petition.

We have jurisdiction pursuant to 8 U.S.C. § 1252. When the BIA adopts the Immigration Judge’s (“IJ”) decision “while adding some of its own reasoning,” we review both decisions. *Gonzalez-Caraveo v. Sessions*, 882 F.3d 885, 889 (9th Cir. 2018) (citation omitted). We review factual findings as to asylum, withholding of removal, and CAT relief for “substantial evidence” and will “uphold a denial supported by reasonable, substantial, and probative evidence on the record considered as a whole.” *Ling Huang v. Holder*, 744 F.3d 1149, 1152 (9th Cir. 2014) (citation omitted).

1. Substantial evidence supports the BIA’s finding that Bocanegra “did not establish that [he] suffered harm rising to the level of persecution in Colombia.” Bocanegra received oral and written threats from non-governmental actors because of his family member’s sexual orientation. “Our court generally treats unfulfilled threats, without more, as within that category of conduct indicative of a danger of future persecution, rather than as past persecution itself.” *Lim v. I.N.S.*, 224 F.3d 929, 936 (9th Cir. 2000) (citations omitted). However, “repeated and especially

¹ Bocanegra’s partner and two minor children also seek review of the BIA’s decision on the same grounds. For simplicity, we refer exclusively to Bocanegra as all four applications are based on the same legal theories and facts.

menacing death threats can constitute a primary part of a past persecution claim, particularly where those threats are combined with confrontation or other mistreatment.” *Id.* (citations omitted). Nonetheless, “[t]hreats standing alone . . . constitute past persecution in only a small category of cases, and only when the threats are so menacing as to cause significant actual ‘suffering or harm.’” *Id.* (citations omitted). Here, the agency reasonably concluded that the threats Bocanegra received did not rise to the level required to establish past persecution.

Nor do these unfulfilled threats suffice to establish future persecution. The BIA found that Bocanegra “could safely and reasonably relocate within Colombia,” given that he has family members within the country who continue to reside unharmed outside of Bogota. Indeed, he could “avoid future persecution by relocating to another part of” Colombia, and “under all the circumstances, it would be reasonable to expect” him to do so. *Akosung v. Barr*, 970 F.3d 1095, 1101 (9th Cir. 2020) (quoting 8 C.F.R. § 1208.13(b)(1)(i)(B)). Accordingly, substantial evidence supports the BIA’s decision as to asylum and withholding of removal.

2. Substantial evidence also supports the BIA’s finding that Bocanegra is ineligible for CAT protection because he did not establish that “it is more likely than not” that he “will be tortured by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity upon removal to Colombia.” *See* 8 C.F.R. § 1208.16(c)(2). The country conditions

evidence that he furnishes demonstrates the existence of general crime and corruption in Colombia, but it does not suffice to establish a threat that is “particular to” him. *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010).

The petition is **DENIED**.²

² Bocanegra’s motion to stay removal is also **DENIED**. (Dkt. 2)