

NOT FOR PUBLICATION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

SAID SOLOMON BENITEZ ARIAS; B. J.
B. M.; V. L. B. M.; K. M. B. M.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-7403

Agency Nos.

A243-056-014

A213-301-014

A243-056-015

A243-056-016

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 Said Solomon Benitez-Arias (“Benitez”) is a native and citizen of Honduras.¹ He seeks review of the Board of Immigration Appeals’ (“BIA”) order dismissing his application for asylum, withholding of removal, and relief 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).

¹ Benitez’s three minor children also seek review of the BIA’s decision as to their cases. For simplicity, we refer singularly to Benitez.

Convention Against Torture (“CAT”). We deny his petition.

We have jurisdiction pursuant to 8 U.S.C. § 1252. When the BIA’s order adopts portions of the Immigration Judge’s (“IJ”) decision we review both the BIA’s decisions as well as that of the IJ “to the extent that” the BIA “expressly adopted” portions of the IJ’s decision. *Rayamajhi v. Whitaker*, 912 F.3d 1241, 1243 (9th Cir. 2019). 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 findings concerning asylum and withholding of removal. The IJ concluded that Benitez failed to establish that (1) his “treatment rises to the level of persecution,” (2) his “persecution was on account of one or more protected grounds,” and (3) his “persecution was committed by the government, or by forces that the government was unable or unwilling to control.” *Baghdasaryan v. Holder*, 592 F.3d 1018, 1023 (9th Cir. 2010). The BIA, however, affirmed the IJ on the grounds that Benitez could not meet the third prong.² Substantial evidence supports its conclusion. Although

² Our review of the BIA’s decision is confined to only those grounds relied upon by the agency. *Garcia v. Wilkinson*, 988 F.3d 1136, 1142 (9th Cir. 2021). Here,

Benitez alleges attempts to extort his mother, he testified that he has been able to file police reports about the extortions, and he and his mother were classified by authorities as protected witnesses. Although Benitez had previously been detained for an alleged crime, he testified that he was eventually acquitted at trial. And although Benitez has had poor experiences with the police, including receiving beatings from corrections officers when he was in custody, he most recently testified that the police no longer has “rotten apples” and that there are anti-gang forces in place to “control” the police. These facts provide “substantial evidence” in support of the BIA’s conclusion that Benitez’s persecution was neither “committed” by the government nor that the government is “unable or unwilling to control” any persecution he faces.

2. Substantial evidence supports the BIA’s findings concerning Benitez’s pursuit of protection under CAT. He fails to establish that it is “more likely than not that he . . . would be tortured if removed to” Honduras. 8 C.F.R. § 1208.16(c)(2). As the BIA observed, the beatings he suffered from corrections officers while detained represent the most serious of his harms, but these experiences ceased after his acquittal and release from detention. And Benitez has not established an adequate likelihood of future torture, especially given his success in filing a report with the police concerning gang threats to his mother and

the BIA’s decision was predicated solely on the “persecution by the government/unable or unwilling to control persecution” ground.

his related success in obtaining a protected status from the officers shortly before he departed the country.

The petition is **DENIED**.³

³ Benitez's motion to stay removal is also **DENIED** (Dkt. 2).