NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARBEL SANCHEZ-SIERRA; HUGO CARLOS VARGAS-OROZCO; A. V.-S., Petitioners, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-7612 Agency Nos. A246-641-005 A246-641-004 A246-641-006 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.

Marbel Sanchez-Sierra, Hugo Carlos Vargas-Orozco, and their minor child—all natives and citizens of Colombia—petition for review of a decision by the Board of Immigration Appeals (BIA) affirming the denial by an immigration

[*] 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).

judge (IJ) of their applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT).[1] We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.[2]

1. Substantial evidence supports the BIA's determination that Petitioners failed to show the Colombian government was unable or unwilling to control the Social Party of National Unity (SPNU, or the Partido de la U), which is dispositive of both their asylum and withholding of removal claims. *See Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1062 (9th Cir. 2017) (en banc) (asylum); *Reyes-Reyes v. Ashcroft*, 384 F.3d 782, 788 (9th Cir. 2004) (withholding). Petitioner Vargas-Orozco testified that he went to the local police station to report SPNU's threats, but the police redirected him to the Attorney General's Office, which appears to be the appropriate entity to take such a report. He did not follow through with the report because he believed that there was corruption in the Attorney General's Office and he would be putting his life at risk by reporting.

The record, however, does not compel the conclusion that reporting would have been futile under these circumstances. *See Hussain v. Rosen*, 985 F.3d 634, 648 (9th Cir. 2021). Petitioner Vargas-Orozco himself testified that half of

[1] Both adult petitioners filed their own applications for relief, which applied to their minor child as a derivative beneficiary and are based on the same facts contained in Petitioner Vargas-Orozco's application.

[2] Petitioners do not contest the BIA's conclusion that they waived any challenge to the IJ's denial of CAT relief.

SPNU's members have been convicted in Colombia and other countries of various criminal offenses, and that SPNU is no longer the controlling party in Colombia. The country conditions evidence also reflects that Colombian authorities investigate and prosecute violent crimes and corruption, including violence perpetrated against a member of the indigenous political party to which Petitioner Vargas-Orozco belonged. Accordingly, the record does not compel the conclusion that the Colombian government could not or would not provide protection to Petitioners. *See J.R. v. Barr*, 975 F.3d 778, 782 (9th Cir. 2020).

2. We reject Petitioners' argument that the BIA denied them due process because it decided their appeal solely on the unable-or-unwilling ground and did not address their other contentions. Because the BIA affirmed the IJ's dispositive finding of a lack of government acquiescence, due process did not require that it go any further. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976).

Petition **DENIED**.[3]

[3] The motion for a stay of removal (Docket Entry 4) is denied.