

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 17 2026

FOR THE NINTH CIRCUIT

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

MERCEDES GOMEZ GOMEZ,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-5373

Agency No.
A215-855-169

MEMORANDUM*

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

Submitted September 15, 2026**
Pasadena, California

Before: R. NELSON and DESAI, Circuit Judges, and SCHREIER, District
Judge.***

Petitioner, Mercedes Gomez Gomez, a native and citizen of Mexico,
petitions for review of a decision of the Board of Immigration Appeals (BIA)

* 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 Karen E. Schreier, United States District Judge for the
District of South Dakota, sitting by designation.

dismissing her appeal from an immigration judge's (IJ) denial of asylum, withholding of removal, protection under the Convention Against Torture (CAT), cancellation of removal, and voluntary departure. We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

Where, as here, the BIA agrees with portions of the IJ's decision and adds its own reasoning, we review the BIA's decision and those portions of the IJ's decision on which it relied. *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1027–28 (9th Cir. 2019). We review factual findings for substantial evidence and legal conclusions de novo. *Plancarte Saucedo v. Garland*, 23 F.4th 824, 831 (9th Cir. 2022).

1. Substantial evidence supports the agency's determination that Gomez's asylum application was untimely and that she failed to establish changed circumstances excusing her untimely filing. The BIA concluded that Gomez's changed-circumstances claim was unsupported by her testimony, failed to identify when any qualifying change occurred, and failed to establish that her application was filed within a reasonable period thereafter. In her opening brief, petitioner does not challenge those reasons and instead argues only that the IJ failed to address the issue. Any challenge to the BIA's resolution of the changed-circumstances claim is therefore forfeited. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259–60 (9th Cir. 1996).

2. Gomez has forfeited any challenge to the denial of withholding of removal. Although she incorporates her asylum arguments by reference, Gomez does not meaningfully challenge the agency’s dispositive determination that she failed to establish an objectively reasonable fear of persecution. *See id.* (“[A]n issue referred to in the appellant’s statement of the case but not discussed in the body of the opening brief is deemed waived.”).

3. Substantial evidence supports the denial of CAT protection. Gomez presented no evidence of past torture and failed to establish a particularized likelihood of future torture. The agency reasonably concluded that the record demonstrated generalized risks of violence rather than a likelihood that Gomez herself would be tortured with the consent or acquiescence of a public official. *See Tzompantzi-Salazar v. Garland*, 32 F.4th 696, 706–07 (9th Cir. 2022).

4. Finally, Gomez does not challenge the agency’s denial of cancellation of removal or voluntary departure in her opening brief. Any challenge to those determinations is waived. *See Martinez-Serrano*, 94 F.3d at 1259.

PETITION DENIED.¹

¹ The motion to stay removal, Docket No. 3, is denied.