

NOT FOR PUBLICATION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

EDRANGE DORSAINVIL; Z. E. C. D.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-7119

Agency Nos.
A220-380-954
A220-380-955

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.***

Petitioners Edrange Dorsainvil, a native of Haiti and citizen of Haiti and
Belize, and his minor child, Z.E.C.D., a native and citizen of Belize, petition for

* 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.

review of the Board of Immigration Appeals' (BIA) order dismissing an appeal from a decision by an Immigration Judge (IJ), which denied Petitioners' applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). We have jurisdiction under 8 U.S.C. § 1252 and deny the petition.

Where the BIA cites *Matter of Burbano*, 20 I. & N. Dec. 872 (BIA 1994) and provides its own review of the evidence and law, we review the decision of both the BIA and the IJ. *Flores-Vega v. Barr*, 932 F.3d 878, 886 (9th Cir. 2019). We review the agency's legal conclusions de novo and factual findings for substantial evidence. *Davila v. Barr*, 968 F.3d 1136, 1141 (9th Cir. 2020). Under the substantial evidence standard, "administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary." 8 U.S.C. § 1252(b)(4)(B).

1. The agency's conclusions regarding persecution are supported by substantial evidence in the record. "To establish past persecution, an applicant must show he was individually targeted on account of a protected ground rather than simply the victim of generalized violence." *Hussain v. Rosen*, 985 F.3d 634, 646 (9th Cir. 2021). And to reach the level of persecution, threats must be "so menacing as to cause significant actual suffering or harm." *Lim v. INS*, 224 F.3d 929, 936 (9th Cir. 2000) (citation modified). "This means that 'some circumstances that cause petitioners physical discomfort or loss of liberty do not qualify as persecution,

despite the fact that such conditions have caused the petitioners some harm.”” *Sharma v. Garland*, 9 F.4th 1052, 1060 (9th Cir. 2021) (quoting *Mihalev v. Ashcroft*, 388 F.3d 722, 729 (9th Cir. 2004)). Here, the agency concluded that while Dorsainvil witnessed his father’s murder, he was verbally threatened but not harmed. He also never saw or heard from this person again. The agency also found that while Dorsainvil was in Belize, he was verbally threatened while working as a security guard. Both threats were isolated incidents that do not rise to the level of persecution, collectively or individually. *See Hussain*, 985 F.3d at 647 (“Unfulfilled threats are very rarely sufficient to rise to the level of persecution.”); *Kaiser v. Ashcroft*, 390 F.3d 653, 658 (9th Cir. 2004) (“What matters is whether the group making the threat has the will or the ability to carry it out.”) (citation modified).

In the absence of past persecution, Petitioners must establish a well-founded fear of future persecution that is “both subjectively genuine and objectively reasonable.” *Flores-Vega*, 932 F.3d at 886 (citation modified). Because Petitioner testified credibly about his fear of persecution, only the objective component is at issue here. *See Parada v. Sessions*, 902 F.3d 901, 909 (9th Cir. 2018). “The objective component requires a showing, by credible, direct, and specific evidence in the record, of facts that would support a reasonable fear of persecution.” *Sarkar v. Garland*, 39 F.4th 611, 622 (9th Cir. 2022) (citation modified). Here, the agency found that while Petitioner had shown a subjective fear of future persecution, he had

not shown the objective component. Substantial evidence supports this conclusion. His reasonable fear of persecution cannot be based on a random possibility. *Hussain*, 985 F.3d at 645-46; 8 C.F.R. § 1208.13(b)(1). And the possibility that the people who threatened Petitioners will harm them upon their return “is speculative on this record.” *See Sharma*, 9 F.4th at 1065. Further, Petitioners’ fear of gang violence is the type of “general, undifferentiated” claim that this court has held does “not render [a noncitizen] eligible for asylum.” *Lolong v. Gonzales*, 484 F.3d 1173, 1179–80 (9th Cir. 2007) (en banc). Because Petitioners fail to establish past persecution or a well-founded fear of future persecution, their asylum and withholding of removal claims fail. *See Hussain*, 985 F.3d at 649.

2. The agency found that while Petitioner was a victim of crime, he has not shown evidence of past torture. Petitioner provided hypotheticals based on speculation and failed to establish that it is more likely than not that he would be tortured. *See* 8 C.F.R. § 1208.16(c)(2). “Because the BIA could reasonably conclude that [the petitioner’s] past harm did not rise to the level of persecution, it necessarily falls short of the definition of torture.” *Sharma*, 9 F.4th at 1067. Likewise, Petitioner, for reasons detailed above, “has not shown an objectively reasonable fear of future torture.” *Id.* The agency’s denial of CAT relief is thus supported by substantial evidence.

PETITION DENIED.¹

¹ Petitioners' motion to stay removal (Dkt. No. 2) is denied.