

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 18 2026

FOR THE NINTH CIRCUIT

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

ANKIT KUMAR,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-5596

Agency No.  
A209-945-626

MEMORANDUM\*

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

Submitted September 16, 2026\*\*  
Portland, Oregon

Before: W. FLETCHER, FRIEDLAND, and DE ALBA, Circuit Judges.

Ankit Kumar, a native and citizen of India, seeks review of a decision by the Board of Immigration Appeals (“BIA”) affirming the denial by an Immigration Judge (“IJ”) of Kumar’s application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction

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\* 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).

under 8 U.S.C. § 1252, and we deny the petition.

The IJ denied Kumar's asylum and withholding application on several bases, holding that Kumar did not establish past persecution because: (1) the harm Kumar suffered in India probably did not rise to the level of persecution, (2) there was no nexus between the harm he suffered and a protected ground, and (3) Kumar had not shown that he was harmed by the government or by forces the government was unable or unwilling to control. The IJ also held that Kumar failed to establish that he has a well-founded fear of future persecution because he could reasonably and safely relocate to a different region of India. The IJ then denied Kumar's application for CAT protection. The BIA affirmed the IJ's denial of asylum and withholding on the basis that Kumar did not show that the government in India was responsible for the attacks or unable or unwilling to protect him, and it affirmed the IJ's denial of CAT protection.

We review the agency's legal conclusions de novo and its factual findings for substantial evidence. *Plancarte Saucedo v. Garland*, 23 F.4th 824, 831 (9th Cir. 2022). Under the substantial-evidence standard, the agency's 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. "Our review is limited to those grounds explicitly relied upon by the Board," *Budiono v. Lynch*, 837 F.3d 1042, 1046 (9th Cir. 2016), so we review only

the agency's holding that the government was not responsible for the attacks or unable or unwilling to protect Kumar.

Kumar, whose father was a member of the Congress Party in India and who sometimes volunteered at Congress Party events with his father, was attacked twice by masked men. Both times, the men approached him in a car that had stickers, posters, or flags for the BJP party, the ruling political party in Kumar's home state of Haryana and nationally. During both attacks, the men made comments conveying that Kumar or Kumar's father should join the BJP. Kumar could not identify the men who attacked him, but he believed that they were BJP members based on their vehicles and comments. Kumar did not report either of these attacks to the police because his father told him that the police would not do anything to investigate or prosecute members of the ruling party.

The IJ held that Kumar had not established that the attackers were government actors, and the BIA agreed. The record does not compel a contrary conclusion. The fact that Kumar's attackers had BJP signage on their cars does not compel the conclusion that they were government actors—the IJ reasonably concluded that the attackers could just as easily have been rogue BJP supporters.

As Kumar notes, an asylum applicant does not need to have reported attacks by non-government actors, and to have had those reports ignored, to establish that the government was unable or unwilling to protect him. If, however, an applicant

did not report the attacks, he has to “convincingly establish” that reporting would have been futile. *Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1065 (9th Cir. 2017) (en banc) (quoting *Ornelas-Chavez v. Gonzales*, 458 F.3d 1052, 1058 (9th Cir. 2006)). Kumar has not done so. In support of his argument that reporting would have been futile, he points to his own testimony about what his father told him and country conditions reports that describe the BJP as authoritarian. He argues that these reports corroborate his assumption that the BJP government in Haryana would do nothing to supporters who use violence in an attempt to strengthen the party. First, Kumar’s subjective belief about the futility of reporting is insufficient to “convincingly establish” that reporting is in fact futile. *Id.* Second, as the Government points out, the country conditions reports do not compel the conclusion that police in India are always unwilling to arrest members of the ruling party because the reports indicate that even high-level BJP members are sometimes arrested and prosecuted.

2. Kumar also challenges the agency’s denial of his application for CAT protection. “Issues raised in a brief that are not supported by argument are deemed abandoned,” and arguments “not discussed in the body of the opening brief” are forfeited. *Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996). Kumar mentioned the agency’s CAT holding in his statement of challenged issues, but he did not include any argument regarding the issue in the body of his brief. Kumar’s

challenge to the agency's CAT denial is therefore forfeited.<sup>1</sup>

**PETITION DENIED.**

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<sup>1</sup> The motion to stay removal, Dkt. No. 2, is denied.