

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 22 2026

FOR THE NINTH CIRCUIT

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

ERLINDA ARACELY SANCHEZ-SANAS,  
et al.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 20-72097

Agency Nos. A202-088-266  
A202-088-267  
A202-088-268

MEMORANDUM\*

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

Submitted September 18, 2026\*\*  
Pasadena, California

Before: NGUYEN, R. NELSON, and DESAI, Circuit Judges.

Erlinda Aracely Sanchez-Sanas (“Sanchez-Sanas”) and her two sons, Juan Francisco Bonilla-Sanchez (“Juan”) and Edwin Alexander Bonilla-Sanchez (“Edwin”) petition for review of a Board of Immigration Appeals (“BIA”) order dismissing their appeal from an immigration judge’s (“IJ”) denial of their claims for

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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).

asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review legal questions de novo, *Acevedo Granados v. Garland*, 992 F.3d 755, 761 (9th Cir. 2021), and the BIA’s denial of asylum, withholding of removal, and protection under CAT for substantial evidence, *Garcia-Milian v. Holder*, 755 F.3d 1026, 1031 (9th Cir. 2014). We deny the petition.

1. The government argues that petitioners failed to exhaust their challenge to the IJ’s dispositive determination that petitioners failed to show the Salvadoran government would be unable or unwilling to protect them from the gang members they fear. *See* 8 U.S.C. § 1252(d)(1); *Murillo-Chavez v. Bondi*, 128 F.4th 1076, 1082 (9th Cir. 2025) (“Although the exhaustion requirement is non-jurisdictional, we must apply it when . . . it is invoked by the government.” (citation modified)). We agree. Although a noncitizen need not raise a “precise argument” before the BIA to exhaust it, the noncitizen must give the BIA “an adequate opportunity to pass on the issue.” *Arizmendi-Medina v. Garland*, 69 F.4th 1043, 1051 (9th Cir. 2023) (citation modified). Petitioners’ counseled brief before the BIA did not mention the IJ’s determination that they did not meet their burden of showing that the Salvadoran government would be unable or unwilling to protect them. Further, petitioners’ opening brief to this court does not contest the BIA’s conclusion that they did not challenge the IJ’s unable or unwilling determination. *See Hernandez v. Garland*, 47

F.4th 908, 916 (9th Cir. 2022) (stating a petitioner can forfeit a claim by not raising it “specifically and distinctly” in her opening brief in this court (citation modified)).

The lack of exhaustion is dispositive of petitioners’ asylum and withholding of removal claims, *see* 8 C.F.R. § 1208.1(e); *see also* 8 U.S.C. § 1252(d)(1), and thus we deny the petition for review as to these claims.

2. To establish entitlement to CAT relief, a petitioner must show that it is more likely than not that she will face torture by or with the acquiescence of the government. 8 C.F.R. § 1208.18(a)(1); *De Leon v. Garland*, 51 F.4th 992, 1000 (9th Cir. 2022).

Here, petitioners made no attempts to report the gang violence to authorities and did not present evidence that the Salvadoran government was complicit in, or acquiesced to, their harms. Additionally, petitioners’ country conditions evidence does not compel the conclusion that the government will acquiesce to petitioners’ torture. *See Garcia-Milian*, 755 F.3d at 1035 (affirming the denial of CAT protection where evidence of steps taken by the Guatemalan government to combat violence against women, even if not fully effective, did not compel a finding of the government’s willful blindness). Substantial evidence thus supports the denial of petitioners’ CAT claim.

The petition is **DENIED**.<sup>1</sup>

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<sup>1</sup> The motion for stay of removal, Dkt. No. 1, is denied.