

NOT FOR PUBLICATION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

SCARLETH LARISSA CHAVEZ-
ROMERO; A. J. D.-C.; M. U. D.-C.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-3061

Agency Nos.

A203-794-548

A203-794-549

A203-794-550

MEMORANDUM*

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

Submitted September 18, 2026**
Portland, Oregon

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

Petitioners Scarleth Chavez-Romero and her two minor children, natives and citizens of Honduras, petition for review of a decision of the Board of Immigration Appeals (“BIA”) affirming an order of an immigration judge (“IJ”) denying their

* 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).

applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

“Where, as here, the BIA streamlines and affirms the result of the IJ’s decision without opinion, we review the IJ’s decision.” *Lanza v. Ashcroft*, 389 F.3d 917, 924 (9th Cir. 2004). For asylum and withholding of removal claims, we review “the agency’s determination whether a given set of undisputed facts rises to the level of persecution” for substantial evidence. *Urias-Orellana v. Bondi*, 607 U.S. 537, 545 (2026). “We also review the denial of CAT relief for substantial evidence.” *Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022). Under that deferential standard, we must uphold the agency’s determination “unless any reasonable adjudicator would be compelled to conclude to the contrary.” *Urias-Orellana*, 607 U.S. at 545 (quoting 8 U.S.C. § 1252(b)(4)(B)).

1. Substantial evidence supports the IJ’s denial of asylum and withholding of removal, given that the IJ reasonably concluded that Chavez did not show that she had suffered harm rising to the level of persecution or that she was at risk of future persecution. Chavez testified that her husband was murdered by a gang after he refused to pay them. She further testified that, three months later, an unknown individual or group approached her on the street and said that she “should be careful because something could happen to [her].” Chavez remained in Honduras

for two years after that incident, but she did not receive any additional threats.

The IJ reasonably concluded that the murder of Chavez's husband did not support her claim that she suffered persecution, because there was no evidence in the record suggesting that he was murdered to punish or harm her. And although threats accompanied by physical harm to family members may rise to the level of persecution if the same perpetrator is behind both actions, *see, e.g., Baballah v. Ashcroft*, 367 F.3d 1067, 1074-75 (9th Cir. 2004), substantial evidence supports the agency's conclusion that the anonymous, vague threat here was unrelated to Chavez's husband's murder. The IJ also reasonably determined that the threat did not warn of any imminent harm. Accordingly, the IJ reasonably concluded that the threat, standing alone, did not rise to the level of persecution. *See Lim v. INS*, 224 F.3d 929, 936 (9th Cir. 2000) (holding that "[t]hreats standing alone" constitute past persecution "only when the threats are so menacing as to cause significant actual suffering or harm" (citation modified)).

Substantial evidence also supports the IJ's conclusion that Chavez failed to establish a well-founded fear of future persecution, given that she lived in Honduras for two years after the threat without incident. Because Chavez did not show a sufficient likelihood of future persecution for purposes of her asylum claim, her evidence was necessarily insufficient for purposes of her withholding of removal claim. *See Tamang v. Holder*, 598 F.3d 1083, 1091 (9th Cir. 2010)

(noting that withholding of removal imposes a “more stringent” standard for demonstrating future persecution “than the well-founded fear standard for asylum”). And because demonstrating a likelihood of persecution is necessary to be eligible for asylum and for withholding of removal, *see Sharma v. Garland*, 9 F.4th 1052, 1059 (9th Cir. 2021), we need not reach Chavez’s other challenges to the IJ’s denial of those claims.

2. The agency’s denial of CAT relief is also supported by substantial evidence. Neither Chavez’s husband’s murder nor the anonymous threat is sufficient to compel the conclusion that Chavez “would more likely than not be tortured” if removed to Honduras. *Ruiz-Colmenares*, 25 F.4th at 748 (citation modified). And to the extent Chavez argues that the IJ applied the wrong legal standard, we agree with the Government that Chavez failed to exhaust that challenge, so we are precluded from considering it. *See Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023).

Petition **DENIED**.¹

¹ The temporary administrative stay is lifted, and the motion to stay removal, Dkt. Nos. 2, 10, is denied.