

NOT FOR PUBLICATION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

CONSUELO CARRILLO MIRANDA;  
G. Y. M. C.; D. S. C.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-4070

Agency Nos.

A209-163-498

A209-163-497

A209-163-499

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

Consuelo Carrillo Miranda and her two minor children (collectively,  
“Petitioners”), natives and citizens of Mexico, petition for review of a decision by  
the Board of Immigration Appeals (“BIA”) affirming the Immigration Judge’s

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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).

(“IJ”) decision denying their applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”).<sup>1</sup> We have jurisdiction pursuant to 8 U.S.C. § 1252, and we deny the petition.

“Where, as here, the [BIA] incorporates the IJ’s decision into its own without citing *Matter of Burbano*, 20 I. & N. Dec. 872 (BIA 1994), [we] will review the IJ’s decision to the extent incorporated.”<sup>2</sup> *Medina-Lara v. Holder*, 771 F.3d 1106, 1111 (9th Cir. 2014). We review the agency’s legal conclusions de novo. *Id.* Otherwise, we review denial of asylum, withholding of removal, and CAT claims for substantial evidence. *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019). Under the substantial evidence standard, we must uphold the agency determination unless the evidence compels a contrary conclusion. *Id.*

1. Petitioners contend in their reply brief that the agency erred by conducting separate analyses of the harm inflicted on Carrillo Miranda by two different sources: (1) her ex-husband, who is now deceased, and (2) cartel members. That argument is forfeited because Petitioners did not include it in their opening brief. *See Hernandez v. Garland*, 47 F.4th 908, 916 (9th Cir. 2022).

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<sup>1</sup> Carrillo Miranda’s application listed her children as derivative beneficiaries. The children have also filed separate applications for asylum, withholding of removal, and CAT protection based on the same facts set forth in Carrillo Miranda’s application.

<sup>2</sup> We refer to the Board and the IJ collectively as “the agency.”

2. Petitioners also argue that the agency erred by failing to consider cumulatively the harm inflicted on Carrillo Miranda by cartel members' threatening telephone calls over a period of years. *Salguero Sosa v. Garland*, 55 F.4th 1213, 1219 (9th Cir. 2022). The record does not support Petitioners' contention. The agency's decision sufficiently demonstrates that it considered the cumulative harm inflicted on Carrillo Miranda by the cartel members' threatening telephone calls.

3. Substantial evidence supports the agency's determination that the cartel members' threatening telephone calls did not rise to the level of past persecution. *See Duran-Rodriguez*, 918 F.3d at 1028; *Lim v. INS*, 224 F.3d 929, 933-36 (9th Cir. 2000). In *Lim*, the petitioner—a former police officer who had investigated, arrested, and testified against “subversive leaders”—received death threats over the course of several years. *Lim*, 224 F.3d at 932-33; *see also id.* at 933 (noting that three of his co-investigators had been murdered). We held that those circumstances “d[id] not compel the conclusion” that the petitioner had suffered past persecution. *Id.* at 936. The threats here were less numerous and less serious than the threats in *Lim*, so the record does not compel the conclusion that the threats inflicted on Carrillo Miranda constitute persecution. Because

Petitioners have failed to establish past persecution or a likelihood of future persecution,<sup>3</sup> their asylum and withholding claims fail.

4. Contrary to the Government's arguments, Petitioners' CAT claim is preserved for review because the BIA adopted the IJ's CAT analysis. *See Chuen Piu Kwong v. Holder*, 671 F.3d 872, 876 (9th Cir. 2011). Petitioners urge that the agency erred by deciding their CAT claims solely on the basis of internal relocation. *Kamalthas v. INS*, 251 F.3d 1279, 1284 (9th Cir. 2001) (holding that the BIA abused its discretion by failing to consider all relevant evidence, including country conditions). But the record reveals that the agency considered Petitioners' other evidence as well. Nor was it erroneous for the agency to rely on Department of State travel advisories and reports that people from Carrillo Miranda's home state have relocated to other areas in Mexico. Although Department of State travel advisories are primarily aimed at American travelers, such advisories may be properly considered to determine the extent to which the incidence of crime in a

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<sup>3</sup> Petitioners' sole argument for why they face a well-founded fear of future persecution depends on the presumption of a likelihood of future persecution that would be triggered by establishing past persecution. *See* 8 U.S.C. § 1101(a)(42); 8 C.F.R. § 1208.13(b)(1).

country varies by region. Internal relocation patterns are similarly relevant to the CAT inquiry because they shed light on the relative safety of a country's regions.

**PETITION DENIED.**<sup>4</sup>

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<sup>4</sup> The temporary administrative stay is lifted, and Petitioners' motion to stay removal (Dkt. No. 3) is denied.