

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 20 2026

FOR THE NINTH CIRCUIT

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

NATANAEL VINCENTE-PEREZ, AKA
Pedro Juan-Juan,

Petitioner,

v.

TODD BLANCHE, Acting Attorney
General,

Respondent.

No. 20-70943

Agency No. A098-966-150

MEMORANDUM*

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

Submitted October 16, 2026**
Missoula, Montana

Before: BEA, BRESS, and FORREST, Circuit Judges.

Petitioner Natanael Vicente-Perez, a native and citizen of Guatemala, seeks review of a Board of Immigration Appeals (“BIA”) decision dismissing his appeal from a decision of an Immigration Judge who denied his claim for withholding of

* 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).

removal and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252(a)(1), and we deny the petition for review.

We review the BIA’s factual findings underlying its determination that Petitioner failed to establish his eligibility for withholding of removal and protection under the CAT for substantial evidence. *See Hussain v. Rosen*, 985 F.3d 634, 641–42 (9th Cir. 2021). In this case, substantial evidence supports the BIA’s conclusion that Petitioner failed to establish that he suffered past harm rising to the level of persecution. *See Baghdasaryan v. Holder*, 592 F.3d 1018, 1023 (9th Cir. 2010).

Petitioner does not claim that he suffered any physical or emotional harm as a consequence of the 1999 attack on his father or in its aftermath. Indeed, Petitioner testified that he was not aware of the attack on his father until he learned about it from stories his family told him some time later. And though he was thirteen years old when his father was shot, he testified that he was too little to remember whether he was with his parents (or where he was located) for the year or two they spent hiding in Retaluleu. Petitioner also testified that the guerrillas who attacked his father only did so because it was a “time of war.” Although the circumstances involving Petitioner’s father were unfortunate, this does not amount to past persecution as to Petitioner.

Petitioner’s claim that his mother has received violent threats fares no better. “Threats standing alone ... constitute past persecution in only a small category of

cases, and only when the threats are so menacing as to cause significant actual suffering or harm.” *Lim v. INS*, 224 F.3d 929, 936 (9th Cir. 2000) (internal quotations marks and citation omitted); *Hussain*, 985 F.3d at 646–47 (“Unfulfilled threats are very rarely sufficient to rise to the level of persecution.”). Petitioner did not know when his mother was last threatened. He also did not testify that any of the threats had resulted in violence against her, and nothing in the record compels that conclusion.

The single threat the guerrillas made against Petitioner fails for the same reason. In the more than two decades since the guerrillas made that threat, Petitioner has received no additional threats and has faced no violent attacks. In 2007, he told immigration officials that he “ha[d] no reason to fear returning to his country.” And when he did return home, he lived there without incident for a year and a half. At most, then, the “unfulfilled threats” against Petitioner and his mother “constitute harassment rather than persecution.” *Hoxha v. Ashcroft*, 319 F.3d 1179, 1182 (9th Cir. 2003) (citing *Lim*, 224 F.3d at 936 (“Threats themselves are sometimes hollow and, while uniformly unpleasant, often do not effect significant actual suffering or harm.”))).

Substantial evidence also supports the BIA’s conclusion that Petitioner is unlikely to face future persecution. The three episodes on which he relies for his past persecution do not compel a finding that he will be persecuted in the future.

Petitioner’s testimony—including that his father was the victim of random wartime violence in 1999—does not establish that it is more likely than not that Petitioner will be persecuted if he returns home.

The threats against Petitioner’s mother are also insufficient. That Petitioner’s mother and siblings have remained in Petitioner’s hometown “without incident” for the past two decades “undercut[s]” his case. *Hakeem v. INS*, 273 F.3d 812, 816 (9th Cir. 2001) (citing *Mendez-Efrain v. INS*, 813 F.2d 279, 282 (9th Cir. 1987)).

Additionally, neither Petitioner’s testimony nor the record explains why a fear about a single threat he received in 2002 or 2003—which he disclaimed in 2007—should be regarded as supporting a likelihood of future persecution today. Petitioner’s year-and-a-half stay in Guatemala after his 2007 departure, during which he faced no threats and no violence, erodes his claim further. *See Hakeem*, 273 F.3d at 816–17 (“An applicant’s claim of persecution upon return is weakened, even undercut, when ... the applicant has returned to the country without incident.”) (citing *Belayneh v. INS*, 213 F.3d 488, 491 (9th Cir. 2000); *Hoxha*, 319 F.3d at 1182).

Finally, Petitioner forfeited his challenge to the agency’s denial of protection under the CAT by failing to raise that challenge sufficiently in his opening brief. *Hui Ran Mu v. Barr*, 936 F.3d 929, 936 (9th Cir. 2019) (“[I]ssues not raised in the opening brief are deemed waived.”). But even if Petitioner’s CAT challenge were

properly before this court, Petitioner failed to provide evidence showing a likelihood of future torture should he return to Guatemala.

Accordingly, the petition for review is **DENIED**.