

NOT FOR PUBLICATION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

ROSALBA ALBARRAN JAIMES; D. N.
R. A.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-3142

Agency Nos.
A246-753-845;
A246-753-846

MEMORANDUM*

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

Argued and Submitted October 5, 2026
San Francisco, California

Before: CHRISTEN, HURWITZ, and BADE, Circuit Judges.

Rosalba Albarran Jaimes and her minor son, natives and citizens of Mexico, petition for review of a Board of Immigration Appeals (BIA) decision dismissing their appeal from an order of an immigration judge (IJ) denying asylum, withholding of removal, and protection under the Convention Against Torture (CAT). We have jurisdiction under 8 U.S.C. § 1252. “We review factual findings

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

for substantial evidence and legal questions de novo.” *Guerra v. Barr*, 974 F.3d 909, 911 (9th Cir. 2020) (citation omitted). Under the substantial evidence standard, the agency’s findings are “conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.” *Velasquez-Gaspar v. Barr*, 976 F.3d 1062, 1064 (9th Cir. 2020) (internal quotation marks and citation omitted).

We deny the petition.

1. To obtain asylum or withholding of removal, Albarran “must show a nexus between her past harms or feared future harm and her statutorily protected characteristics.” *Rodriguez-Zuniga v. Garland*, 69 F.4th 1012, 1018 (9th Cir. 2023). The reasons for the harm “needed to prove a nexus refer to the persecutor’s motivations for persecuting the petitioner.” *Id.* Substantial evidence supports the agency’s determination that Albarran failed to establish the requisite nexus for both asylum and withholding of removal.

a. Political Opinion

Albarran’s claims of persecution are based on threats by a criminal cartel. The agency concluded that the cartel “was motivated not by [Albarran’s] political opinion or her membership in any particular social group, but instead by criminal financial interest in coercing payment or service from [Albarran] and other members of her town.” In reaching this conclusion, the agency appropriately considered the record evidence and did not mischaracterize it. Nor did it err by

failing to consider mixed motives because it found no nexus to Albarran's political opinion. *Cf. Manzano v. Garland*, 104 F.4th 1202, 1207–09 (9th Cir. 2024) (explaining that mixed-motive analysis applies when evidence supports both a protected and an unprotected motive).

Substantial evidence supports the agency's nexus determination. Albarran was never threatened or harmed on account of witnessing a cartel murder or talking about it to the police. Her husband was not threatened or harmed after he refused the cartel's demands, and the evidence does not indicate that the cartel knew of her relationship to him. Additionally, Albarran was never harmed or threatened after attending meetings regarding securing her town against the cartel.

b. Proposed Particular Social Group: Mexican Women

Substantial evidence supports the agency's determination that Albarran failed to demonstrate a nexus between any past or feared future harm and her membership in the proposed particular social group (PSG) of Mexican women.¹ Albarran was raped by a man who falsely promised her a job and a place to stay. The record can be reasonably interpreted as demonstrating that Albarran was a victim of a criminal act and a target of opportunity. *See Ochave v. INS*, 254 F.3d 859, 865 (9th Cir. 2001) (concluding that substantial evidence supported the conclusion that a rape was a random act of violence, not politically motivated); *see*

¹ The agency assumed that this PSG was cognizable.

also *Kalulu v. Garland*, 128 F.4th 1009, 1013 (9th Cir. 2024) (describing the substantial evidence standard as “extremely deferential”). Albarran does not point to any record evidence compelling the conclusion that her attacker was motivated by her membership in the PSG of Mexican women. *Cf. Sinha v. Holder*, 564 F.3d 1015, 1021–22 (9th Cir. 2009) (concluding, in a pre-Real ID act case in which the claimant alleged persecution based on her race, that race-based slurs made during a beating supported the conclusion that attackers were “motivated at least in part by racial animus”).

In addition, Albarran has not shown that the agency legally erred. First, the agency reasonably gave less weight to the opinions of Albarran’s expert regarding her risk of future harm because some of the expert’s conclusions were in tension with other evidence in the record. The IJ stated his reasons for discounting the expert’s affidavit, and Albarran has not shown that those reasons were erroneous. *See Aguilar-Ramos v. Holder*, 594 F.3d 701, 706 n.7 (9th Cir. 2010) (explaining that the agency is “not required to adopt as true all of the facts on which” the expert bases her opinion). Second, the agency properly considered both direct and circumstantial evidence as part of its nexus analysis. *See INS v. Elias-Zacarias*, 502 U.S. 478, 483 (1992) (explaining that because motive is “critical,” the applicant “must provide *some* evidence of it, direct or circumstantial”). Third, the BIA applied the correct standard of review.

2. To establish entitlement to CAT relief, a petitioner must show that “it would be more likely than not that he or she will be tortured” if removed to the proposed country of removal. 8 C.F.R. §§ 1208.16(c)(2), 1208.18(a)(1). Substantial evidence supports the agency’s determination that Albarran failed to show the requisite likelihood of future torture.

3. Albarran has not established a due process violation. To establish a due process violation, a petitioner “must show error and substantial prejudice.” *Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000). To establish error, an alien must demonstrate her removal proceeding was “so fundamentally unfair that [she] was prevented from reasonably presenting [her] case.” *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) (internal quotation marks and citation omitted). To establish substantial prejudice, a petitioner must show that the “outcome of the proceeding may have been affected by the alleged violation.” *Grigoryan v. Barr*, 959 F.3d 1233, 1240 (9th Cir. 2020) (quoting *Colmenar*, 210 F.3d at 971). Albarran has not made the requisite showing. Although the IJ asked numerous questions, the questions aimed to develop the record, not harass Albarran. See 8 U.S.C. § 1229a(b)(1) (directing IJs to “interrogate, examine, and cross-examine the alien and any witnesses”).

PETITION DENIED.²

² The opposed motion to stay removal is DENIED and the temporary stay entered under General Order 6.4(c) is lifted.