

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 21 2026

FOR THE NINTH CIRCUIT

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

LUIS PALOMO,

Petitioner - Appellee,

v.

TODD BLANCHE, Attorney General,

Respondent - Appellant.

No. 18-72603

Agency. No.
A070-950-722

MEMORANDUM*

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

Submitted October 19, 2026**
Pasadena, California

Before: BUMATAY, VANDYKE, and MENDOZA, JR., Circuit Judges.

Petitioner Luis Palomo (“Palomo”) seeks review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an Immigration Judge’s order denying his applications for withholding of removal and protection under the Convention Against Torture (“CAT”). We have jurisdiction to review final orders

* 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).

of removal issues by the BIA under 8 U.S.C. § 1252 and deny the petition.

We review the agency’s factual findings for substantial evidence and legal questions de novo. *Guerra v. Barr*, 974 F.3d 909, 911 (9th Cir. 2020). Particularly, we review denials of asylum, withholding of removal, and CAT relief for substantial evidence and reverse agency decisions in only the narrowest of circumstances—if the record *compels* a different conclusion. *Tzompantzi-Salazar v. Garland*, 32 F.4th 696, 703 (9th Cir. 2022).

1. By failing to raise the issue in his appeal to the BIA, Palomo failed to exhaust his argument that he could safely relocate within Peru. We are precluded from reviewing the issue because “[e]xhaustion requires a non-constitutional legal claim to the court on appeal to have first been raised in the administrative proceedings below.” *Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023) (citation and internal quotation omitted); *Santana-Gonzalez v. Bondi*, 172 F.4th 736, 742 (9th Cir. 2026) (holding that 8 U.S.C. § 1252(d)(1)’s exhaustion requirement is not jurisdictional but is a mandatory claim-processing rule if raised by the government).

Since internal relocation is dispositive of withholding claims, *see Kaiser v. Ashcroft*, 390 F.3d 653, 659 (9th Cir. 2004) (noting that if the evidence shows that an applicant can safely and reasonably internally relocate, the applicant is ineligible for asylum); *Hussain v. Rosen*, 985 F.3d 634, 646 (9th Cir. 2021) (noting that since

the asylum standard is more lenient than withholding of removal, “failing to establish eligibility for asylum forecloses eligibility for withholding of removal”), we need not address the remainder of Palomo’s arguments with respect to withholding. *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”) (citation omitted).

2. Substantial evidence supports the agency’s denial of CAT relief. At the hearing, Palomo asserted only that he feared unidentified groups “*might* come after [him]” because they targeted his father. He also stated that he did not know what motivated the people who harassed his father. The record does not compel a conclusion contrary to the agency’s that such “speculative fear of torture is not sufficient to satisfy the applicant’s burden” for CAT relief. *Garcia v. Wilkinson*, 988 F.3d 1136, 1147–48 (9th Cir. 2021).

PETITION DENIED.