

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 22 2026

FOR THE NINTH CIRCUIT

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

SUSAN KATANIA RIVAS-NUNEZ; S. L.-
R.; D. M. T.-R.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-6320

Agency Nos.

A246-826-536

A246-826-537

A246-826-538

MEMORANDUM*

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

Submitted October 20, 2026**
Pasadena, California

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

Petitioners Susan Katania Rivas-Nunez (“Lead Petitioner”) and her two minor children, citizens of Colombia, challenge the Board of Immigration Appeals’ (“BIA”) summary affirmance of the Immigration Judge’s (“IJ”) decision denying their requests for asylum, withholding of removal, and removal protections under

* 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).

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

We review the agency’s factual findings in a final order of removal for substantial evidence. *Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022). Under that standard, the agency’s findings of fact are considered “conclusive unless any reasonable adjudicator would be *compelled* to conclude to the contrary.” *Id.* (simplified).

1. Substantial evidence supports the denial of asylum and withholding of removal. First, Petitioners have not demonstrated that the record compels a conclusion that Lead Petitioner’s treatment by her former neighbor, Raul, and others in Colombia “[rose] to the level of persecution.” *Singh v. Blanche*, 176 F.4th 1139, 1145 (9th Cir. 2026). This determination “is heavily fact-dependent and not reducible to a set formula.” *Id.* at 1145 (simplified). While the incidents against Petitioners were reprehensible, we cannot say that a reasonable jurist would be *compelled* to find persecution here. *Cf. id.* at 1146–47 (holding that “troubling” assaults on petitioner by “unknown” people were not sufficient to establish persecution); *Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000) (holding that “isolated incident” of attempted sexual assault did not amount to persecution where petitioner remained safely in the country for over a year afterward).

Second, Petitioners failed to establish a nexus to either their political opinion

or their proposed social group, consisting of Lead Petitioner’s “relationship to her partner,” who had run for local office. *Cf. Rodriguez-Zuniga v. Garland*, 69 F.4th 1012, 1019 (9th Cir. 2023) (“[W]here, as here, the agency concludes that the petitioner has not shown *any* nexus whatsoever, then the petitioner fails to establish past persecution for both asylum and withholding [of removal].”). Petitioners argue that they were targeted by a paramilitary group and that “paramilitary-linked groups routinely use threats and extortion as mechanisms of political intimidation and social control, particularly against politically visible families.” But substantial evidence supports the agency’s determination that the unknown individuals who made extortive threats against Petitioners were motivated by economic gain. “Where the record indicates that the persecutor’s actual motivation for threatening a person is to extort money from a third person, the record does not compel finding that the persecutor threatened the target because of a protected characteristic such as family relation.” *Id.* at 1019.

As for Raul’s attacks on the Lead Petitioner, the IJ determined that Raul was motivated by “anger and jealousy over [Lead Petitioner’s] rejection of him.” These attacks do not implicate any political opinion, nor does the record compel the conclusion that Raul “specifically sought out” Petitioners’ proposed social group, *Parada v. Sessions*, 902 F.3d 901, 910 (9th Cir. 2018): Lead Petitioner indicated that Raul went after her when she was young, when she was in a relationship with a

previous partner, and when she was in a relationship with the political candidate. The record thus supports the finding that Raul retaliated against her because he was spurned.

Finally, Petitioners cannot establish an objectively reasonable threat of future persecution. The record does not compel reversal of the IJ's finding that the Colombian government is not unwilling or unable to protect Petitioners. For example, evidence shows that police provided some protection to her partner after he filed a report in 2018 when unknown people came to their house and demanded money. *Cf. Nahrvani v. Gonzales*, 399 F.3d 1148, 1154 (9th Cir. 2005) (holding that the government's failure to solve complaints from petitioner who suffered from anonymous threats and other harassment was insufficient to meet burden under substantial evidence).

2. Substantial evidence also supports the denial of CAT relief. The "torture" that the CAT is aimed at is "more severe than persecution," *Guo v. Sessions*, 897 F.3d 1208, 1217 (9th Cir. 2018) (simplified), and "must be inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity," *Garcia-Milian v. Holder*, 755 F.3d 1026, 1033 (9th Cir. 2014) (simplified). Looking at the evidence presented, the IJ found that Petitioners had not and would not likely be subject to torture, and that the government of Colombia did not inflict, consent, or acquiesce to any such torture.

The record does not compel a finding to the contrary.

3. Petitioners' due process challenge to the BIA's summary affirmance of the IJ's decision also fails. It is not "a due process violation for the BIA to affirm the IJ's decision without issuing an opinion." *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 851 (9th Cir. 2003). Here, "we review the IJ's decision as the final agency action." *Zehatye v. Gonzales*, 453 F.3d 1182, 1184 (9th Cir. 2006). There is no constitutional or administrative law problem with summary affirmance here.

PETITION DENIED.¹

¹ Petitioners' Motion to Stay Removal is denied.