

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 23 2026

FOR THE NINTH CIRCUIT

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

CESAR ALDFREDO ALONZO-
VASQUEZ,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-2285

Agency No.
A209-791-211

MEMORANDUM*

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

Submitted October 20, 2026**
Pasadena, California

Before: N.R. SMITH and JOHNSTONE, Circuit Judges, and ORRICK, District
Judge.***

Cesar Alonzo-Vasquez, a native and citizen of Guatemala, petitions for
review of the summary dismissal by the Board of Immigration Appeals (BIA) 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).

*** The Honorable William Horsley Orrick, United States District Judge
for the Northern District of California, sitting by designation.

his appeal of the order by the immigration judge (IJ), denying his application for asylum, withholding of removal, and relief under the Convention Against Torture (CAT). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition for review.

I. Any error created by either the BIA or the IJ with regard to *Matter of A-B-*, 27 I. & N. Dec. 316 (A.G. 2018) (“*A-B-I*”), *vacated by Matter of A-B-*, 28 I. & N. Dec. 307 (A.G. 2021), *overruled by Matter of S-S-F-M-*, 29 I. & N. Dec. 207 (A.G. 2025), is harmless. The IJ cited *A-B-I* only for propositions that are supported by other precedent from this Court and the BIA. Although the BIA’s footnote disclaiming reliance on *A-B-I* violated its regulation prohibiting the inclusion of “further explanation or reasoning” in a summary affirmance, 8 C.F.R. § 1003.1(e)(4)(ii), the footnote was “harmless surplusage and caused no prejudice,” *Kumar v. Gonzales*, 439 F.3d 520, 521 (9th Cir. 2006).

II. Substantial evidence supports the Agency’s determination that Alonzo-Vasquez did not establish past persecution because the harm suffered was not on account of a protected ground. Alonzo-Vasquez claimed he was persecuted on account of two particular social groups consisting of “Guatemalans who have been threatened by gang members due to their failure to cooperate with gangs” and “Guatemalans who have been threatened by gangs and who have failed to be protected by police.” Neither of these proposed social groups are cognizable under

our precedent. First, “a group may be deemed impermissibly ‘circular’ if, after conducting the proper case-by-case analysis, the [IJ] determines that the group is ‘defined exclusively by the fact that its members have been subjected to harm.’” *Diaz-Reynoso v. Barr*, 968 F.3d 1070, 1086 (9th Cir. 2020) (quoting *Matter of M-E-V-G-*, 26 I. & N. Dec. 227, 242 (BIA 2014)). Second, the record does not compel the conclusion that Guatemalan society perceives people who have been threatened by gangs as a social group. *See Conde Quevedo v. Barr*, 947 F.3d 1238, 1242–43 (9th Cir. 2020) (rejecting social group as not cognizable because it was not “perceived or recognized as a group by society in Guatemala”).

III. Substantial evidence supports the Agency’s determination that Alonzo-Vasquez did not have an objectively reasonable fear of future persecution. Because Alonzo-Vasquez has not demonstrated any nexus to a protected ground, his claims of a fear of future persecution also fail. *See Rodriguez-Zuniga v. Garland*, 69 F.4th 1012, 1018 (9th Cir. 2023).

IV. Substantial evidence supports the Agency’s determination that Alonzo-Vasquez did not establish a clear probability of torture. Alonzo-Vasquez’s generalized fear of harm in the future is insufficient to establish relief. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (per curiam) (concluding that the petitioner was not eligible for CAT relief because the petitioner’s “generalized evidence of violence and crime in Mexico [was] not

particular to [the] [p]etitioner[.]”). Alonzo-Vasquez argues that the IJ did not consider evidence of government corruption; however, even if this were true, he fails to explain how government corruption establishes that the government would participate or acquiesce in his torture.

PETITION DENIED.¹

¹ Alonzo-Vasquez’s motion for stay of removal (Dkt. 3) is denied.