

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 26 2026

FOR THE NINTH CIRCUIT

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

SERGIO OMAR NAVARRO GUIZAR; et
al.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 20-72544

Agency Nos. A216-272-637
A216-272-638
A216-272-639
A216-272-640

MEMORANDUM*

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

Submitted October 19, 2026**
San Francisco, California

Before: CALLAHAN and LEE, Circuit Judges, and EZRA, District Judge.***

Sergio Omar Navarro Guizar and his minor children seek review of the Board of Immigration Appeals' (BIA) decision dismissing their appeal of the Immigration

* 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 David A. Ezra, United States District Judge for the District of Hawaii, sitting by designation.

Judge's (IJ) denial of their claim for asylum. We deny their petition.

1. Substantial evidence supports the BIA's conclusion that the petitioners failed to show a nexus between a particular social group identity and persecution for their asylum claim. *Aden v. Wilkinson*, 989 F.3d 1073, 1084-85 (9th Cir. 2021) (nexus questions reviewed for substantial evidence). "To meet this nexus requirement, an applicant must show that the protected ground was at least one central reason the applicant" was or would be persecuted. *Id.* at 1084 (internal quotations omitted). When there are mixed motives, "[a] central reason must be primary, essential, or principal." *Manzano v. Garland*, 104 F.4th 1202, 1206-07 (9th Cir. 2024) (citations omitted).

The petitioners contend that they were persecuted for their political beliefs and their familial status under 8 U.S.C. § 1158(b)(1)(B)(i). Navarro Guizar was in a relationship with Maria Guadalupe Gomez Rojas and they had three children. Navarro Guizar claimed that the relationship was abusive and that he moved to a different area of Mexico while the children remained with Maria. After hearing that the children were not being adequately fed or supervised by Maria, Navarro Guizar returned home to get his children. Navarro Guizar claims that Maria's boyfriend once threatened him with a gun. And Navarro Guizar says he has received threatening phone calls from Maria and her boyfriend.

Substantial evidence supports the agency's determination that any harm

experienced or feared by the petitioners was due to a personal custody dispute rather than persecution due to a political opinion or familial basis. As we have explained, “mistreatment motivated purely by personal retribution will not give rise to a valid asylum claim.” *Madrigal v. Holder*, 716 F.3d 499, 506 (9th Cir. 2013). The BIA concluded that there was insufficient evidence that Maria or her boyfriend knew about, or believed Navarro Guizar to have, any kind of political belief about child rearing or child abuse. There is substantial evidence that Navarro Guizar was targeted for taking the children from the home, not because of familial status or political beliefs.

Navarro Guizar also argues that the BIA erred by not conducting a mixed-motive analysis to determine whether other reasons for persecution existed alongside a personal custody dispute. But, as the BIA concluded, there is insufficient evidence that these motivations existed at all, thus negating the need for a mixed-motive analysis.¹

2. Even if the petitioners could demonstrate nexus, their claim still fails

¹ The petitioners argue that the BIA erred by using a “clearly erroneous standard” in reviewing the IJ’s lack of nexus conclusion. It is not clear if the BIA applied that standard to the nexus analysis (which would be error) or to the facts underlying the nexus conclusion (which would be appropriate). But even if the BIA erred, “we need not remand” if “neither the result nor the BIA’s basic reasoning would change” and a “remand to the BIA would be an idle and useless formality.” *Singh v. Barr*, 935 F.3d 822, 827 (9th Cir. 2019) (citation modified). Because the basic reasoning or result of the BIA would not change, remand is unnecessary. *See also* Pt. 2.

because substantial evidence supports the agency’s finding that any persecution was not committed by the Mexican government or by forces that the government was unable or unwilling to control. *Guevara-Serrano v. Bondi*, 164 F.4th 1133, 1136 (9th Cir. 2026). Navarro Guizar reported the threats to the local police, and they took a report and gave him documentation. An official in the attorney general’s office in Mexico even told him to call the police if Maria ever came near him again. But Navarro Guizar apparently made no follow-up attempts to contact the police about any harm from Maria. *See Nahrvani v. Gonzales*, 399 F.3d 1148, 1154 (9th Cir. 2005) (finding that the government was not unable or unwilling to protect petitioner in part because the police took reports from petitioner).

Navarro Guizar further argues that the BIA erred by making an inappropriate credibility determination. But the BIA did no such thing: It properly focused on the sufficiency of the evidence on Mexico’s willingness to protect Navarro Guizar rather than making any credibility determination. *Garland v. Ming Dai*, 593 U.S. 357, 371 (2021) (“[E]ven if the BIA treats an alien’s evidence as credible, the agency need not find his evidence persuasive or sufficient to meet the burden of proof”). The petitioners also contend that the agency erred by not separately considering whether the minor children had carried their burden on this element. Because the children are included as derivatives of Navarro Guizar’s claim, they need not be considered separately. *See Ochave v. I.N.S.*, 254 F.3d 859, 864 (9th Cir. 2001). Additionally,

the petitioners offer no reason why the analysis would be any different for the minors.

Finally, the petitioners did not meaningfully challenge the IJ's denial of the withholding of removal claim before the BIA or this court. The claim thus is unexhausted and has been forfeited.

3. Alternatively, the petitioners move to remand their case to the BIA so they can argue they are eligible for voluntary departure. They, however, never presented this request to the BIA. And in any event, they did not advance a prima facie case for voluntary departure in their opening or reply briefs, and the record does not show prima facie eligibility. *See Gonzalez-Lara v. Garland*, 104 F.4th 1109, 1116 (9th Cir. 2024) (lack of a prima facie eligibility showing was fatal to petitioner's voluntary departure claim).²

PETITION DENIED.³

² The petitioners also argue for remand on the basis that the Notice to Appear (NTA) lacked a time, place, or date, citing *Matter of Fernandes*, 28 I. & N. Dec. 605, 610-11 (B.I.A. 2022) (allowing remedy for petitioners who made a “timely objection”—before “the closing of pleadings” before the IJ—to a defective NTA). But the petitioners objected to the NTA after the close of pleadings and thus their request was not timely.

³ Petitioners' Opposed Motion to Hold Petition in Abeyance (Dkt. No. 55) is denied. The temporary stay of removal entered pursuant to General Order 6.4(c) (Dkt. No. 1) is lifted, effective immediately.