

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 28 2026

FOR THE NINTH CIRCUIT

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

MAGDALENA GASPAR-MATEO,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 21-1172

Agency No.
A208-190-789

MEMORANDUM*

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

Submitted October 26, 2026**
Seattle, Washington

Before: M. SMITH, CHRISTEN, and MILLER, Circuit Judges.

Magdalena Gaspar-Mateo, a native and citizen of Guatemala, petitions for review of a decision of the Board of Immigration Appeals dismissing her appeal from an immigration judge's order denying her application for asylum,

* 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).

withholding of removal, and relief under the Convention Against Torture (CAT).¹

We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

“Where, as here, the [Board] agrees with the [immigration judge’s] reasoning, we review both decisions.” *Garcia-Martinez v. Sessions*, 886 F.3d 1291, 1293 (9th Cir. 2018). We review the agency’s legal conclusions de novo. *Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023). We review the agency’s factual findings for substantial evidence, including its findings about a persecutor’s motive. *Garcia v. Wilkinson*, 988 F.3d 1136, 1142–43 (9th Cir. 2021). Under the substantial-evidence standard, “[w]e may only reverse the agency’s determination where ‘the evidence compels a contrary conclusion from that adopted by the [Board].’” *Id.* at 1142 (quoting *Afriyie v. Holder*, 613 F.3d 924, 931 (9th Cir. 2010)).

1. Substantial evidence supports the agency’s determination that Gaspar-Mateo did not establish a nexus between the harm she suffered, or fears, and a protected ground. For asylum, the petitioner must show that a protected ground will be “at least one central reason,” and for withholding of removal, “a reason,” for the feared harm. *Barajas-Romero v. Lynch*, 846 F.3d 351, 358–59 (9th Cir. 2017); *see also* 8 U.S.C. §§ 1158(b)(1)(B)(i), 1231(b)(3)(C). There is “no

¹ The Board considered Gaspar-Mateo’s application jointly with that of her minor daughter. Although the petition for review lists only Gaspar-Mateo herself, her daughter’s claim is derivative of Gaspar-Mateo’s.

distinction between the ‘one central reason’ phrase in the asylum statute and the ‘a reason’ phrase in the withholding statute” if there is “no nexus at all.” *Barajas-Romero*, 846 F.3d at 360 (citing *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010)).

Gaspar-Mateo, an indigenous Guatemalan woman, said that she fled Guatemala and fears returning because she faces persecution based on her membership in the particular social group of “Indigenous Guatemalan women opposed to gender-based violence in a present machismo-based culture.” She testified that two men from her native town verbally and physically harassed her, including by repeatedly threatening to rape her or kill her daughter. The immigration judge concluded that the men who harmed Gaspar-Mateo were “private individuals engaging in criminal conduct.” The Board affirmed, holding that the immigration judge’s “findings regarding motive are not clearly erroneous.”

The agency’s conclusion is supported by substantial evidence. Gaspar-Mateo’s testimony does not compel the conclusion that the two individuals who threatened her were motivated to do so because she is an indigenous woman opposed to gender-based violence in Guatemala’s machismo culture. *See Zetino*, 622 F.3d at 1016. A reasonable factfinder could determine, as the agency did, that the men who targeted Gaspar-Mateo were motivated by private criminal interests,

not by Gaspar-Mateo's status as an indigenous Guatemalan woman opposed to gender-based violence in Guatemala.

2. For CAT relief, an applicant must prove "that it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(c)(2). A "speculative fear of torture is insufficient to satisfy the 'more likely than not' standard." *Garcia*, 988 F.3d at 1148 (quoting *Cole v. Holder*, 659 F.3d 762, 770 (9th Cir. 2011)). "Generalized evidence of violence and crime is insufficient to establish a likelihood of torture." *Park v. Garland*, 72 F.4th 965, 980 (9th Cir. 2023).

Substantial evidence supports the agency's conclusion regarding Gaspar-Mateo's likelihood of suffering torture in Guatemala. To establish a likelihood of torture, Gaspar-Mateo relies on generalized reports describing the prevalence of gender-based violence in Guatemala. The immigration judge found this evidence unpersuasive. The Board found no "clear factual error" in the immigration judge's determination. The record does not compel a contrary conclusion.

PETITION DENIED.