NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANGEL TORRES PALOMINOS, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 23-33 Agency No. A201-237-224 MEMORANDUM[*]

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

Submitted October 23, 2026[**]
San Francisco, California

Before: FORREST and TUNG, Circuit Judges, and BASTIAN, District Judge.[***]

Petitioner Angel Torres Palominos, a native and citizen of Mexico, seeks review of the Board of Immigration Appeals' ("BIA") dismissal of his appeal from an Immigration Judge's ("IJ") decision ordering his removal to Mexico. We have

[*] 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 Stanley Allen Bastian, United States District Judge for the Eastern District of Washington, sitting by designation.

jurisdiction to review final orders of removal issued by the BIA under 8 U.S.C. § 1252. We deny the petition.

1. Substantial evidence supports the agency's finding that Petitioner's application for asylum was time barred. A noncitizen must submit his application for asylum within one year of arriving to the United States. 8 U.S.C § 1158(a)(2)(B). The "existence of changed circumstances which materially affect the applicant's eligibility for asylum" may excuse a late filing. 8 U.S.C. § 1158(a)(2)(D), 8 C.F.R. § 1208.4(a)(4)(ii). We have jurisdiction to review—with deference—the agency's changed circumstances determination because "it presents a mixed question of law and fact." *Ruiz v. Bondi*, 163 F.4th 586, 599 (9th Cir. 2025).

Here, Petitioner applied for asylum over one year after his entry to the United States. The IJ determined that Petitioner did not qualify for the exception to the time bar because his evidence of increased violence in Mexico, relatives facing harm, and his friend's recruitment to a criminal gang did not establish changed circumstances. Although Petitioner testified that he has always been afraid of returning to Mexico and presented evidence that conditions have not improved, the agency properly concluded that this was insufficient to demonstrate a substantial change in conditions excusing an untimely application. Thus, with deference to the agency, substantial evidence supports the agency's finding that Petitioner's application for asylum was time barred.

2. To establish eligibility for withholding of removal, the noncitizen must show that his "life or freedom would be threatened" in the country of removal "because of [his] race, religion, nationality, membership in a particular social group, or political opinion." *Barajas-Romero* v. *Lynch,* 846 F.3d 351, 356 (9th Cir. 2017) (quoting 8 U.S.C. § 1231(b)(3)(A)).

Substantial evidence supports the agency's denial of Petitioner's application for withholding of removal because he did not demonstrate the likelihood of persecution based on a protected characteristic. Petitioner has not shown that his life or liberty would be threatened upon his return to Mexico based on his "politically neutral position" or membership in his proposed particular social groups, including "Chicano males aged 18–45 returning to Mexico after many years in the United States" and "Mexican nationals who resist the cartel violence in Mexico." As the agency concluded, Petitioner's proposed social groups are not cognizable because Petitioner has not shown the required particularity or social distinction in Mexican society. Nor has Petitioner shown that his other purported protected social groups are cognizable or that he was harmed because of his membership in those groups. Thus, the record does not compel the conclusion that Petitioner would be harmed based on a protected characteristic and he is not entitled to withholding of removal.

3. Petitioner is not entitled to Convention Against Torture ("CAT") relief because he failed to present any evidence that it was "more likely than not" that he

would be tortured if he returned to Mexico. *Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1059 (9th Cir. 2017) (en banc) (describing the substantial evidence standard); *Plancarte Sauceda v. Garland*, 23 F.4th 824, 834 (9th Cir. 2022) (quoting 8 C.F.R. § 1208.16(c)(2)) (describing petitioner's required showing to obtain CAT relief). Petitioner argues that the IJ failed to consider the aggregate risk of torture, and that he should be entitled to CAT protection based on generalized statistics and harm experienced by family members. But his evidence does not show that it was more likely than not that he would be tortured if removed to Mexico. Specifically, there is no evidence demonstrating that he would face a particularized risk of torture, nor is there evidence that he suffered past torture. *See Rodriguez-Hernandez v. Garland*, 89 F.4th 742 (9th Cir. 2023). On this record, substantial evidence supports the BIA's decision to deny Petitioner's request for protection under CAT.

4. Substantial evidence also supports the BIA's decision to deny Petitioner's request for cancellation of removal. As the IJ and BIA determined, Petitioner failed to demonstrate that his removal would result in hardship to his qualifying relatives that is substantially different from or beyond that normally encountered in the course of removal. *Gonzalez-Juarez v. Bondi*, 137 F.4th 996, 1006 (9th Cir. 2025) (explaining that "the hardship must be out of the ordinary and exceedingly uncommon[,]" and that "[i]t must deviate, in the extreme, from the norm"). The agency determined that Petitioner failed to show hardship because his children

would continue to receive any necessary medical care and education assistance in the United States, and his argument that he would make less money in Mexico did not establish hardship substantially beyond what often occurs with deportation. Petitioner claims that the IJ only evaluated the hardship prong without considering the other statutory factors. But Petitioner does not dispute that he failed to establish the requisite hardship showing, and this is a necessary predicate for cancellation of removal. Thus, substantial evidence supports the IJ and BIA's determination that Petitioner failed to establish hardship and is thus ineligible for cancellation of removal.

5. The immigration court was not deprived of subject matter jurisdiction over Petitioner's removal proceedings. Petitioner argues that the immigration court lacked subject matter jurisdiction because his Notice to Appear ("NTA") did not include the date and time of his initial hearing. We have held, however, that an NTA's failure to include time and date information does not deprive the immigration court of subject matter jurisdiction. *United States v. Bastide-Hernandez*, 39 F.4th 1187, 1188 (9th Cir. 2022) (en banc). Petitioner's reliance on *Pereira v. Sessions*, 585 U.S. 198 (2018), and *Niz-Chavez v. Garland*, 593 U.S. 155 (2021), is misplaced because these cases addressed the stop-time rule, not whether a deficient NTA deprives the immigration court of jurisdiction. *See Bastide-Hernandez*, 39 F.4th at 1192–93 & n.9.

PETITION DENIED.[1]

[1] The temporary stay ordered in this case (Dkt. 12) is terminated.