NOT FOR PUBLICATION

FILED

OCT 28 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAURITANIA APARICIO-ROMAN, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-6396 Agency No. A205-319-646 MEMORANDUM[*]

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

Submitted October 22, 2026[**]
San Francisco, California

Before: BUMATAY, VAN DYKE, MENDOZA, JR., Circuit Judges.

Petitioner Mauritania Aparicio-Roman ("Petitioner") seeks review of the Board of Immigration Appeals' ("BIA") September 11, 2025, decision dismissing her appeal from the Immigration Judge's ("IJ") denial of asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

[*] 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 agency did not abuse its discretion in determining that Petitioner's 2013 conviction under California Penal Code section 245(a)(4) constituted a particularly serious crime barring asylum and withholding of removal. *See Hernandez v. Garland*, 52 F.4th 757, 765 (9th Cir. 2022) (reviewing the agency's particularly-serious-crime determination for abuse of discretion). Our review is limited to whether the agency relied on the appropriate factors and proper evidence, and we may not reweigh the evidence or reach our own conclusion about the crime's seriousness. *Id.*

The agency considers the nature of the conviction, the type of sentence imposed, and the circumstances and underlying facts of the conviction. *Bare v. Barr*, 975 F.3d 952, 961 (9th Cir. 2020). According to the police report, Petitioner grabbed her mother by the hair, punched her in the face, repeatedly punched and kicked her in the stomach, and tried to choke her. Petitioner argues that the IJ failed to consider that she received only fifty days in jail and three years of probation. But, on de novo review, the BIA expressly acknowledged that sentence and concluded that it did not outweigh the nature and violent circumstances of the assault. *See Mendoza-Garcia v. Garland*, 36 F.4th 989, 999 (9th Cir. 2022) (explaining that the BIA reviews particularly-serious-crime determinations de novo). That was sufficient. *See Hernandez*, 52 F.4th at 768 (rejecting a failure-to-consider argument where the agency expressly identified the sentence imposed as

being one that was lengthy, rather than short).

Petitioner's contention that the short sentence should have carried greater weight asks us to reweigh the relevant factors ourselves, which we may not do. *See Hernandez*, 52 F.4th at 765. The agency therefore did not act arbitrarily, irrationally, or contrary to law in applying the particularly-serious-crime bar.

Substantial evidence also supports the agency's denial of CAT protection. To qualify for CAT protection, Petitioner had to establish that she is more likely than not to be tortured in Mexico by, or with the consent or acquiescence of, a public official. 8 C.F.R. §§ 1208.16(c)(2), 1208.18(a)(1). The agency's factual findings are conclusive unless the record compels a contrary conclusion. 8 U.S.C. § 1252(b)(4)(B); *Garland v. Ming Dai*, 593 U.S. 357, 366 (2021).

Petitioner relied on evidence of cartel violence, police corruption, and killings or disappearances of relatives in Mexico. The IJ considered that evidence, including the State Department's country conditions report, but found Petitioner's asserted risk of future torture speculative. The BIA agreed that Petitioner had not shown the requisite government involvement or acquiescence. The record does not compel a contrary conclusion. Generalized evidence of violence and corruption does not establish that a government official would necessarily acquiesce in a particular petitioner's torture. *B.R. v. Garland*, 26 F.4th 827, 845 (9th Cir. 2022).

Petitioner contends that some Mexican officials act in concert with criminal

organizations. But the evidence cited does not compel the conclusion that Petitioner herself faces a greater-than-fifty-percent probability of torture or that a public official would be aware of and breach a legal responsibility to intervene in any torture she might face. *See Ruiz-Colmenares v. Garland*, 25 F.4th 742, 751 (9th Cir. 2022); 8 C.F.R. § 1208.18(a)(7).

Because the agency appropriately applied the proper particularly-serious-crime framework and substantial evidence supports its denial of CAT protection, the petition for review is denied.

PETITION DENIED.[1]

[1] Petitioner's Motion to Stay Removal is denied as moot.