NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ADRIAN DEHESA VARGAS, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 23-724 Agency No. A200-552-501 MEMORANDUM[*]

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

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

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

Adrian Dehesa Vargas, a citizen of Mexico, seeks review of a decision by the Board of Immigration Appeals (BIA) affirming the denial by an immigration judge (IJ) of his claims for cancellation of removal, withholding of removal, and relief

[*] 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 Raner C. Collins, United States District Judge for the District of Arizona, sitting by designation.

under the Convention Against Torture (CAT). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition for review. "Where, as here, the BIA cites *Matter of Burbano*, 20 I. & N. Dec. 872 (BIA 1994), and adds its own analysis to the IJ's, we review both Agency decisions." *Aleman-Belloso v. Bondi*, 128 F.4th 1031, 1039 (9th Cir. 2024).

1. ***Withholding of Removal.*** To obtain statutory withholding of removal, "a petitioner must establish a 'clear probability' that his 'life or freedom would be threatened' if he returned to his homeland on account of 'race, religion, nationality, membership in a particular social group, or political opinion.'" *Shrestha v. Holder*, 590 F.3d 1034, 1039 (9th Cir. 2010) (quoting *Ahmed v. Keisler*, 504 F.3d 1183, 1199 (9th Cir. 2007)). A proposed particular social group is cognizable if it is "(1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question." *Conde Quevedo v. Barr*, 947 F.3d 1238, 1242 (9th Cir. 2020) (citation and internal quotation marks omitted). "Whether a group constitutes a [particular social group] . . . is a question of law we review de novo." *Santos-Ponce v. Wilkinson*, 987 F.3d 886, 890 (9th Cir. 2021) (quoting *Perdomo v. Holder*, 611 F.3d 662, 665 (9th Cir. 2010)). But factual conclusions, such as whether "there is evidence that a specific society recognizes a social group," are "question[s] of fact that we review for substantial evidence." *Conde Quevedo*, 947 F.3d at 1242.

Dehesa Vargas's proposed social group, repatriated Mexican males who oppose gang violence, is not socially distinct because there is no evidence that Mexican culture recognizes this group. *See id.* Nor is this proposed group sufficiently particular because it is not "narrowly defined." *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1151 (9th Cir. 2010); *see also id.* at 1151–52 (determining that "returning Mexicans from the United States" was too broad to be defined with particularity); *Santos-Ponce*, 987 F.3d at 890 (rejecting "minor Christian males who oppose gang membership" as "not sufficiently particular or socially distinct."). For these reasons, the agency did not err in denying Dehesa Vargas's claim for withholding of removal.

2. ***Cancellation of Removal.*** The IJ also did not err in denying Dehesa Vargas's claim for cancellation of removal. To qualify for this relief, a petitioner "must show that his removal would result in a certain kind of hardship—'exceptional and extremely unusual'—to a qualifying relative." *Gonzalez-Juarez v. Bondi*, 137 F.4th 996, 1005 (9th Cir. 2025) (quoting 8 U.S.C. § 1229b(b)(1)(D)). The asserted "hardship must be out of the ordinary and exceedingly uncommon." *Id.* at 1006. If the relative is a child, the petitioner ordinarily must prove that the child suffers from "very serious health issues, or compelling special needs in school." *Fernandez v. Mukasey*, 520 F.3d 965, 966 (9th Cir. 2008) (citation omitted). We "review the agency's 'exceptional and extremely unusual hardship' determination for substantial

evidence, but we lack jurisdiction to review the factual findings underlying that determination." *Torres-Casas v. Blanche*, 182 F.4th 1121, 1128 (9th Cir. 2026) (citation omitted).

Substantial evidence supports the IJ's determination. While Dehesa Vargas's son has dealt with hearing issues and requires special educational assistance for ADHD, his health issues and performance in school have significantly improved. Moreover, there is no evidence that his son's educational assistance will cease after Dehesa Vargas's removal, and other relatives may fill the caretaking and financial roles that Dehesa Vargas currently occupies. And although Dehesa Vargas argues that the IJ failed to consider all the evidence he provided, the agency is not required to "individually identify and discuss every piece of evidence in the record." *Gonzalez-Juarez*, 137 F.4th at 1008 (quoting *Hernandez v. Garland*, 52 F.4th 757, 770 (9th Cir. 2022)). Accordingly, we lack any reason to overturn the agency's decision.[1]

3. ***CAT Relief.*** To obtain relief under CAT, Dehesa Vargas "must establish that it is more likely than not that [he] would be tortured if returned to

[1]In his reply brief, Dehesa Vargas argues for the first time that his U.S. citizen children residing in Mexico might suffer because they will lose the financial support he currently provides. But economic disadvantage alone is insufficient. *See Ramirez-Durazo v. I.N.S.*, 794 F.2d 491, 498 (9th Cir. 1986). And in any event, the argument is forfeited. *See Turtle Island Restoration Network v. U.S. Dep't of Commerce*, 672 F.3d 1160, 1166 n.8 (9th Cir. 2012).

Mexico." *Delgado-Ortiz*, 600 F.3d at 1152. We review the BIA's determination that a petitioner is not eligible for protection under CAT for substantial evidence. *Lalayan v. Garland*, 4 F.4th 822, 840 (9th Cir. 2021).

Contrary to Dehesa Vargas's contention, there is no evidence that the agency applied the wrong legal standard to his claim.[2] And substantial evidence supports the IJ's determination that there was not a likelihood of torture from either Dehesa Vargas's brother, who threatened him with a gun in the past, or Mexican gangs. Dehesa Vargas's brother now lives in the United States. And the lone threat Dehesa Vargas received from a gang occurred over 20 years ago. Neither threat was of the severity required to show a probability of future persecution, let alone torture. *See Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019). Further, the country condition reports demonstrate only the existence of general violence in Mexico, not a risk of violence or torture particular to Dehesa Vargas. *Dhital v. Mukasey*, 532 F.3d 1044, 1051–52 (9th Cir. 2008).

PETITION DENIED.

[2]The disconnect between the argument Dehesa Vargas's counsel made and the standard applied by the agency stems from counsel copying and pasting into Dehesa Vargas's brief an argument from a different matter, evidenced by this section referencing both Dehesa Vargas and a petitioner with a different name.