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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CAROLINA SALINAS LUNA; B. E. S.; B. D. E. S., Petitioners, v. TODD BLANCHE, Attorney General, Respondent.	No. 24-5929 Agency Nos. A246-925-187 A246-925-193 A246-425-192 MEMORANDUM[*]

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

Submitted October 28, 2026[**]
San Francisco, California

Before: CLIFTON, BYBEE, and SUNG, Circuit Judges.

Petitioner and her sons, natives and citizens of Mexico, petition for review of a decision from the Board of Immigration Appeals ("BIA") affirming the Immigration Judge's ("IJ's") decision denying their petitions 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 protection under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

Where the BIA affirms the IJ without opinion, we review the IJ's decision as the final agency determination. *Singh v. Holder*, 638 F.3d 1264, 1268 (9th Cir. 2011). "We review the Board's legal conclusions de novo, and its factual findings for substantial evidence." *Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1059 (9th Cir. 2017) (citations omitted). We review the agency's conclusion on whether harm rises to the level of persecution for substantial evidence. *Urias-Orellana v. Bondi*, 607 U.S. 537, 545 (2026).

1. Substantial evidence supports the IJ's conclusion that the harm Petitioner suffered did not rise to the level of past persecution. Petitioner argues she suffered death threats, which "alone can constitute persecution." *Flores Molina v. Garland*, 37 F.4th 626, 634 (9th Cir. 2024). But the record does not compel the finding that Petitioner faced explicit threats on her life or her children's lives.[1] Even if there were explicit threats to kill Petitioner or her children, death threats alone constitute persecution when they are "specific and menacing and are accompanied by evidence of violent confrontations," but the threats Petitioner faced were vague,

[1] Petitioner originally described an explicit death threat from an encounter with armed men in her asylum application. However, when the IJ asked Petitioner to substantiate the details of that encounter, she testified the threat was to "harm" her and her children and did not mention any death threat.

anonymous, and never accompanied by violence. *Id*. The two masked, unarmed men who demanded money at Petitioner's store said if she did not pay, they would harm her and her children, but they left after 30 minutes without harming anyone or taking any money, never to be seen again. *See Hussain v. Rosen*, 985 F.3d 634, 647 (9th Cir. 2021) ("Unfulfilled threats are very rarely sufficient to rise to the level of persecution."). Likewise, the two unknown men who approached Petitioner and her children on the street and demanded money did not follow through with any supposed threat. *See Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019) (two unfulfilled threats, unaccompanied by physical violence, did not compel a finding of past persecution); *Villegas Sanchez v. Garland*, 990 F.3d 1173, 1179 (9th Cir. 2021) (multiple death threats over the course of weeks, without more, did not compel a finding of past persecution).

2. The IJ concluded Petitioner could reasonably relocate within Mexico to avoid future persecution because Petitioner said only that she had no friends in other parts of Mexico and she believed, without explanation, that the men who targeted her for money would follow her. 8 C.F.R. § 1208.13(b)(3)(i). On appeal, Petitioner argues only that she had an objectively reasonable fear of future harm, but she does not dispute the IJ's internal relocation finding. Because this is an independently dispositive ground for denying the petition and because Petitioner forfeited any challenge on this ground, we deny the petition. *Hernandez v.*

Garland, 47 F.4th 908, 916 (9th Cir. 2022).

3. Petitioner argues that the IJ erred by failing to meaningfully assess nexus for her withholding of removal claim at the lower "a reason" standard. But the IJ appropriately concluded, "[e]ven assuming that the respondents have presented a protected ground that would be a reason why they would be harmed … they have not shown that any harm is more likely than not." Because Petitioner cannot meet the persecution standard for asylum, she necessarily cannot meet the higher "more likely than not" standard for withholding of removal. *Duran-Rodriguez*, 918 F.3d at 1029.

4. The IJ correctly held that Petitioners are not entitled to CAT protection. An applicant seeking CAT protection must show "that it is more likely than not that he or she would be tortured if removed." 8 C.F.R. § 1208.16(c)(2). The "concept [of torture] is more severe than persecution." *Guo v. Sessions*, 897 F.3d 1208, 1217 (9th Cir. 2018) (cleaned up). The record contains only generalized descriptions of violence and does not compel the conclusion that Petitioner faces a likelihood of torture. *See Park v. Garland*, 72 F.4th 965, 980 (9th Cir. 2023) ("Generalized evidence of violence and crime is insufficient to establish a likelihood of torture."). The IJ also concluded that Petitioner did not show the government would consent or acquiesce to torture. There is no evidence that the men who targeted Petitioner have ties to the government or that the government

was involved in their conduct. Petitioner's only evidence of government acquiescence is that she called the police to report outbreaks of violence in her hometown and they did not show, but that is insufficient. *See Andrade-Garcia v. Lynch*, 828 F.3d 829, 836 (9th Cir. 2016) ("[A] general ineffectiveness on the government's part to investigate and prevent crime will not suffice to show acquiescence.").

PETITION DENIED.