NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DOMINGO ERNESTO CORNEJO-SANCHEZ, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 16-73052 Agency Nos. A206-783-590 A206-783-586 MEMORANDUM*

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

Submitted October 29, 2026**
Pasadena, California

Before: PAEZ, OWENS, and SANCHEZ, Circuit Judges.

Domingo Ernesto Cornejo-Sanchez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") dismissal of his appeal from an Immigration Judge's ("IJ") decision denying asylum, withholding of removal, protection under the Convention Against Torture ("CAT"), and a

* 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).

request for continuance. As the parties are familiar with the facts, we do not recount them here. We have jurisdiction under 8 U.S.C. § 1252(a). We deny the petition.

"Where the BIA writes its own decision, as it did here, we review the BIA's decision, except to the extent it expressly adopts the IJ's decision." *Diaz-Reynoso v. Barr*, 968 F.3d 1070, 1075–76 (9th Cir. 2020). We review the BIA's factual findings for substantial evidence. *Id.* at 1076. We review the denial of a motion to continue for abuse of discretion. *Olea-Serefina v. Garland*, 34 F.4th 856, 866 (9th Cir. 2022).

1. The BIA did not err in denying asylum and withholding of removal because Cornejo-Sanchez failed to establish past or future persecution.

Substantial evidence supports the BIA's determination that Cornejo-Sanchez did not establish past or future persecution. For past persecution, "[u]nfulfilled threats are very rarely sufficient." *Hussain v. Rosen*, 985 F.3d 634, 647 (9th Cir. 2021). We have found unfulfilled death threats insufficient where, as here, the petitioner experienced no confrontation or physical harm. *See, e.g.*, *Lim v. I.N.S.*, 224 F.3d 929, 936 (9th Cir. 2000); *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019). For future persecution, Cornejo-Sanchez failed to establish an objectively reasonable probability of persecution upon return. *See Duran-Rodriguez*, 918 F.3d at 1029. He was able to live safely in El Salvador for two

years after the threatening phone calls began, and the calls stopped once he entered the United States in 2014. *See Singh v. I.N.S.*, 134 F.3d 962, 969 (9th Cir. 1998) (finding no well-founded fear where the petitioner lived safely in a country for several years); *Sharma v. Garland*, 9 F.4th 1052, 1065–66 (9th Cir. 2021) (finding no well-founded fear where there was insufficient evidence that the persecutor had a continuing interest in the petitioner).

Accordingly, the BIA did not err in denying asylum and withholding of removal. Because Cornejo-Sanchez failed to establish past or future persecution, we need not reach the nexus or state action issues.

2. The BIA did not err in denying CAT protection. For CAT protection, a petitioner bears the burden of establishing that "it is more likely than not that he . . . would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(c)(2). The torture must be inflicted "by, or at the instigation of, or with the consent or acquiescence of, a public official." *Id.* § 1208.18(a)(1).

Substantial evidence supports the BIA's conclusion that Cornejo-Sanchez failed to show it was more likely than not that he would face torture. He was not tortured in the past. *See id.* § 1208.16(c)(3). Substantial evidence also supports the BIA's conclusion that the Salvadoran government would not acquiesce in any torture. Public officials were not aware of the threatening phone calls, and the record does not compel the conclusion that officials would acquiesce to Cornejo-

Sanchez's torture. *See Andrade-Garcia v. Lynch*, 828 F.3d 829, 836 (9th Cir. 2016) (denying CAT protection where the petitioner failed to show that the government was aware of the extortion).

3. The agency did not abuse its discretion in denying Cornejo-Sanchez's request for continuance to file an I-130 petition in light of his recent marriage. *See De la Cruz v. I.N.S.*, 951 F.2d 226, 229 (9th Cir. 1991) (per curiam). The IJ did not rely on expediency concerns but rather considered several relevant factors to conclude that Cornejo-Sanchez lacked good cause: It was speculative whether (1) the I-130 would be approved, (2) he would qualify for the bona fide marriage exemption, (3) his wife would be able to naturalize, and (4) he could adjust his status. *See* 8 C.F.R. § 1003.29; *Matter of Hashmi*, 24 I. & N. Dec. 785, 790 (BIA 2009).

PETITION FOR REVIEW DENIED.