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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SANDRA ALEJANDRA NUNEZ-MONGE, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 15-73614 Agency No. A202-122-390 MEMORANDUM*

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

Submitted October 29, 2026**
San Francisco, California

Before: BYBEE and SUNG, Circuit Judges, and LIN, District Judge.***

Sandra Nunez Monge petitions for review of the decision by the Board of Immigration Appeals (BIA) to affirm an immigration judge's (IJ's) denial of her

* 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 Rita F. Lin, United States District Judge for the Northern District of California, sitting by designation.

applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). The BIA's factual determinations are reviewed for substantial evidence, and its legal determinations are reviewed de novo. *Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023). We have jurisdiction pursuant to 8 U.S.C. § 1252. For the reasons stated below, we deny the petition.

1. "Persecution is 'an extreme concept that does not include every sort of treatment our society regards as offensive.'" *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019) (quoting *Nagoulko v. I.N.S.*, 333 F.3d 1012, 1016 (9th Cir. 2003)). Nunez Monge argues that she suffered past persecution, describing how Oscar Ovidio (her daughter's father with whom she lived) yelled at her, made threatening gestures toward her, and once kicked her. Even so, "the harm perpetrated against [Nunez Monge], while disgraceful, does not compel a finding of past persecution. Therefore, substantial evidence supports the BIA's decision." *Sharma v. Garland*, 9 F.4th 1052, 1063–64 (9th Cir. 2021) (concluding that physical abuse that did not cause significant injury, verbal abuse, and threats did not collectively rise to the level of persecution).

In the absence of past persecution, a petitioner may qualify for asylum by demonstrating a well-founded fear of future persecution that is subjectively genuine and objectively reasonable, so long as the persecution would be on account of a protected ground. *See Cordon-Garcia v. I.N.S.*, 204 F.3d 985, 990 (9th Cir. 2000).

Nunez Monge expressed a concern that gangs targeting Ovidio would recognize their association and harm her too, but "on the record before us, this possibility is too speculative to be credited as a basis for fear of future persecution." *Nagoulko*, 333 F.3d at 1018. Nunez Monge was never herself harmed or threatened by the gang, and although Ovidio and his mother faced threats, they never escalated into harm, even as his mother continued residing in El Salvador. *See Nahrvani v. Gonzales*, 399 F.3d 1148, 1153–54 (9th Cir. 2005); *Cuadras v. U.S. I.N.S.*, 910 F.2d 567, 571 (9th Cir. 1990). On this record, substantial evidence supports the BIA's conclusion that Nunez Monge's fear of future persecution was not objectively reasonable, so her asylum claim fails.

2. Because Nunez Monge did not demonstrate reversible error in the BIA's analysis of her asylum claim, she necessarily cannot satisfy the higher burden for withholding of removal. *See Cuadras*, 910 F.2d at 572. Accordingly, we deny the petition with respect to both claims.

3. With respect to her CAT claim, Nunez Monge contends that the BIA failed to consider the scale of the ongoing violence in El Salvador "indicated in the background documentation submitted into the record." However, the BIA denied Nunez Monge's CAT claim because "she has not meaningfully argued that she has established that a public official would acquiesce or be willfully blind to the claimed harm." So too in her petition for review. Nunez Monge cites no specific record

evidence regarding acquiescence that the BIA should have considered. *See* 8 C.F.R. § 208.18(a)(1) (defining torture to require harm "inflicted by or at the instigation of or with the consent or acquiescence of a public official"); *see also Cruz v. Bondi*, 146 F.4th 730, 740 (9th Cir. 2025) ("[A] petitioner must show what record evidence *in particular* was supposedly ignored or misstated by the agency."). In fact, some proffered country-conditions evidence demonstrated government efforts to combat gang violence and root out corruption. Consequently, the record does not compel a finding that the government would acquiesce in any future harm Nunez Monge might face, and we deny the petition with respect to the CAT claim.

PETITION DENIED.[1]

[1] The motion to stay removal is denied. *See* Dkt. No. 1.