NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MIGUEL CARBALLO-DELCID, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 20-71617 Agency No. A098-180-508 MEMORANDUM[*]

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

Submitted October 30, 2026[**]
San Francisco, California

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

Miguel Carballo-Delcid, a native and citizen of Honduras, petitions for review of a decision of the Board of Immigration Appeals ("BIA") dismissing an appeal

[*] 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 District of Northern California, sitting by designation.

from an order of an Immigration Judge ("IJ") denying his applications for withholding of removal and protection under the Convention Against Torture ("CAT"). The parties are familiar with the facts, and we do not recount them here. We deny the petition for review.

We have jurisdiction pursuant to 8 U.S.C. § 1252. Where, as here, "the BIA issues its own decision but adopts particular parts of the IJ's reasoning, we review both decisions." *Iman v. Barr*, 972 F.3d 1058, 1064 (9th Cir. 2020). We review the agency's factual findings under the substantial evidence standard and will reverse only if the record compels a conclusion to the contrary. 8 U.S.C. § 1252(b)(4)(B); *Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023). We review the BIA's legal conclusions de novo. *Shrestha v. Holder*, 590 F.3d 1034, 1048 (9th Cir. 2010).

1. Substantial evidence supports the agency's denial of withholding of removal on the grounds that there was no nexus between petitioner's familial membership and the feared future persecution. To qualify for withholding of removal, Carballo-Delcid bears the burden of showing by objective evidence that it is more likely than not that he will face persecution upon removal to Honduras. *Robleto-Pastora v. Holder*, 591 F.3d 1051, 1057 (9th Cir. 2010). Carballo-Delcid must also establish a nexus between the protected ground and the feared persecution, showing that the protected ground is "a reason" (though it need not be the "one

central reason") for the persecution. *Barajas-Romero v. Lynch*, 846 F.3d 351, 360 (9th Cir. 2017).

Here, the BIA found that Carballo-Delcid did not establish a nexus between the feared persecution and his membership in the "particular social group" of "his nuclear family." 8 U.S.C. § 1231(b)(3)(A). Carballo-Delcid testified that he feared "the general conditions of violence" in Honduras, but widespread violence in the country of removal cannot support a likelihood of specific future persecution. *See Chand v. I.N.S.*, 222 F.3d 1066, 1076 (9th Cir. 2000) ("[A Honduran] who has suffered . . . very little cumulative harm, cannot prevail simply because many [Hondurans] face oppressive conditions."); *Mendoza-Alvarez v. Holder*, 714 F.3d 1161, 1165 (9th Cir. 2013) ("If someone suffers harm on grounds that are associated with group membership but also apply to many others, then the harm is not because of membership in a particular social group and there is no basis to conclude that the group members were intentionally targeted."). Substantial evidence supports these findings. Nor did Carballo-Delcid present other evidence sufficient to compel the conclusion that he or his family is likely to face future persecution.

2. Substantial evidence also supports the denial of CAT protection. To qualify for protection, the applicant must establish by a preponderance of the evidence that he will be tortured upon his return to his country of origin. 8 C.F.R. § 1208.16(c)(2). An applicant's inability to state a cognizable claim for withholding

of removal does not preclude eligibility for CAT protection. *Kamalthas v. I.N.S.*, 251 F.3d 1279, 1283 (9th Cir. 2001). But when harm does not rise to the level of persecution, "it necessarily falls short of the definition of torture," *Sharma v. Garland*, 9 F.4th 1052, 1067 (9th Cir. 2021), and Carballo-Delcid's country conditions evidence describing the violence in Honduras does not demonstrate the "gross, flagrant or mass violations of human rights within the country of removal" that can support a claim for CAT protection even when withholding of removal is denied. 8 C.F.R § 208.16(c)(3)(iii).

PETITION DENIED.[1]

[1] Carballo-Delcid's motion to stay removal, Dkt. 5, is also DENIED.