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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PABLO ALONSO MORALES; ANA REYES MARTINEZ; FERNANDO DANIEL REYES MARTINEZ; YONATHAN YAEL REYES MARTINEZ, Petitioners, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-71 Agency Nos. A215-819-102 A215-819-103 A215-819-104 A215-819-105 MEMORANDUM*

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

Submitted October 30, 2026**
Seattle, Washington

Before: CHRISTEN and MILLER, Circuit Judges, and SYKES, District Judge.***

* 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 Sunshine Suzanne Sykes, United States District Judge for the Central District of California, sitting by designation.

Pablo Alonso Morales, his partner Ana Reyes Martinez, and her sons Daniel Reyes Martinez and Yonathan Yael Reyes Martinez, all natives and citizens of Mexico, petition for review of a decision of the Board of Immigration Appeals dismissing their appeal from an immigration judge's order denying their applications for asylum, 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.

Our review is limited to the Board's decision and those parts of the immigration judge's decision that the Board expressly adopted. *Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023). We review the agency's factual findings, including its findings as to a persecutor's motive, for substantial evidence. *Vasquez-Rodriguez v. Garland*, 7 F.4th 888, 893 (9th Cir. 2021). Under that standard, we must uphold the agency's findings "unless any reasonable adjudicator would be compelled to conclude to the contrary." 8 U.S.C. § 1252(b)(4)(B).

1. Substantial evidence supports the agency's finding that the petitioners did not establish a nexus between their past or feared persecution and a protected ground. *See Umana-Escobar*, 69 F.4th at 551. For asylum, a protected ground must be "one central reason," and for withholding of removal, "a reason," for the persecution. *Barajas-Romero v. Lynch*, 846 F.3d 351, 360 (9th Cir. 2017).

Petitioners asserted that they were harmed as members of a particular social group "consisting of family," meaning "both family of [Alonso Morales] who received an extortion threat" and also "the family members of [Reyes Martinez] who have been harmed."

Alonso Morales testified that he was targeted because the cartel members knew he recently received a retirement bonus. The immigration judge found that the cartel members were "motivated by theft" and that petitioners' family membership was not "a reason why" Alonso Morales "was targeted for extortion." Alonso Morales also testified that cartel members had beaten his brother-in-law because they thought he was affiliated with another cartel. The immigration judge found that the cartel sought to harm the brother-in-law because "they thought he was connected to a different criminal group," and that the cartel lacked "animus . . . because of any family connections." Finally, Reyes Martinez testified that the cartel members killed her sister's partner, but that she did not know why. The immigration judge found that this testimony did not demonstrate a nexus.

The Board upheld the immigration judge's findings, summarizing them as showing that the cartel members "had criminal motives related to their criminal enterprises rather than seeking to harm [petitioners] on account of" a protected ground. Although the cartel members first encountered the petitioners while searching for Reyes Martinez's brother at their home, the nexus requirement

"address[es] the persecutor's *motive* for persecuting the victim," *Barajas-Romero*, 846 F.3d at 357 (emphasis added), not merely the causal chain that led the persecutor and victim to come into contact. Petitioners' relationship to Reyes Martinez's brother may have motivated the cartel members to come to her house, threaten the petitioners, and destroy some furniture, but petitioners did not refer to this incident in the sections of their brief before the Board discussing persecution. *See Umana-Escobar*, 69 F.4th at 550 (denying portion of petition that "present[ed] a different justification for his argument" than raised before the Board). Instead, petitioners argued that they established a well-founded fear of persecution based on the extortion of Alonso Morales, the beating of Reyes Martinez's brother, and the murder of Reyes Martinez's sister's husband. Even assuming that those incidents amounted to past persecution, petitioners presented no evidence suggesting that the cartel members who perpetrated the incidents were motivated by petitioners' family membership. Instead, as the agency found, the cartel members were "motivated by theft" or engaged in "random violence," which "bears no nexus to a protected ground," *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010), and the record does not compel the conclusion that the cartel members had any other motive. *See Garland v. Ming Dai*, 593 U.S. 357, 373 (2021).

The Board applied the correct legal standard. The Board "must review de novo whether a persecutor's motives meet the nexus legal standards," but it

reviews underlying factual findings, "such as what a persecutor's motive may be, for clear error." *Umana-Escobar*, 69 F.4th at 551. While a persecutor may hold a criminal motive "alongside a protected motive," *Madrigal v. Holder*, 716 F.3d 499, 506 (9th Cir. 2013), the Board credited the immigration judge's finding that the cartel members who extorted Alonso Morales and harmed Reyes Martinez's family members were motivated solely by criminality, and that finding was supported by substantial evidence. In the absence of any evidence of a persecutory motive, a mixed-motive analysis was not required. *See Barajas-Romero*, 846 F.3d at 360.

If the agency concludes that the petitioner has not shown any connection between his harm and a protected ground, then the petitioner cannot qualify for either asylum or withholding. *See Umana-Escobar*, 69 F.4th at 551. Given its dispositive no-nexus finding, the agency did not err in declining to address past persecution or internal relocation. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam).

2. The Board did not err in reviewing for clear error the immigration judge's factual findings regarding the likelihood of torture. *See Vitug v. Holder*, 723 F.3d 1056, 1063–64 (9th Cir. 2013). An applicant for CAT relief must demonstrate that it is "more likely than not" that he "will face a particularized and non-speculative risk of torture" if removed. *Park v. Garland*, 72 F.4th 965, 980 (9th Cir. 2023) (emphasis omitted). A "speculative fear of torture is insufficient to satisfy the

'more likely than not' standard." *Garcia v. Wilkinson*, 988 F.3d 1136, 1148 (9th Cir. 2021). The immigration judge, noting that petitioners had not been physically harmed in Mexico, found that any risk of torture was speculative. The Board agreed, identifying "no clear error" in the finding that the risk of torture "remains speculative."

Petitioners do not argue that the Board's conclusion was unsupported by substantial evidence, instead arguing only that the Board applied the wrong standard of review. The Board correctly reviewed the immigration judge's findings for clear error. *See Vitug*, 723 F.3d at 1063–64.

PETITION DENIED.