NOT FOR PUBLICATION

FILED

NOV 3 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLA AVALOS-HERNANDEZ, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-7989 Agency No. A202-072-216 MEMORANDUM[*]

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

Submitted October 30, 2026[**]
Pasadena, California

Before: R. NELSON and H.A. THOMAS, Circuit Judges, and PITTS, District Judge.[***]

Carla Avalos-Hernandez, a native and citizen of El Salvador, petitions for review of the decision of the Board of Immigration Appeals ("BIA") dismissing

[*] 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 P. Casey Pitts, United States District Judge for the Northern District of California, sitting by designation.

her appeal of an Immigration Judge's ("IJ") order denying her 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.

We review questions of law de novo, and we review questions of fact for substantial evidence. *Bhattarai v. Lynch*, 835 F.3d 1037, 1042 (9th Cir. 2016).

1. We deem exhausted only those issues Avalos-Hernandez raised and argued before the BIA. *See Alanniz v. Barr*, 924 F.3d 1061, 1069 (9th Cir. 2019). Even assuming Avalos-Hernandez met the one-year deadline to apply for asylum, she failed to exhaust any argument that the IJ erred in concluding that she had not established that the Salvadoran government was unable or unwilling to protect her, because she did not raise the argument in her brief before the BIA. *See also Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1062 (9th Cir. 2017) (explaining that applicants who allege past persecution have the burden of demonstrating that "the persecution was committed by the government, or by forces that the government was unable or unwilling to control").

Although an applicant "who cannot show past persecution might nevertheless be eligible for relief if he instead shows a well-founded fear of future persecution," *Hussain v. Rosen*, 985 F.3d 634, 645–46 (9th Cir. 2021) (cleaned up), Avalos-Hernandez does not dispute that she did not raise before the BIA any

arguments about a well-founded fear of future persecution. A lack of a well-founded fear of future persecution is dispositive of her asylum claim. *See id.* at 645–46. Because "failing to establish eligibility for asylum forecloses eligibility for withholding of removal," *id.* at 646, we need not decide whether the BIA erred as to her withholding of removal claim.

2. Avalos-Hernandez fails to make any meaningful arguments about her CAT claim in her brief before this court. She has therefore forfeited any such claim. *See Hernandez v. Garland*, 47 F.4th 908, 916 (9th Cir. 2020) (issue forfeited where petitioner failed to "specifically and distinctly" argue it in his opening brief).

PETITION DENIED.[1]

[1] Avalos-Hernandez's opposed motion to stay removal (Dkt. No. 7) is denied. The temporary stay of removal entered pursuant to General Order 6.4(c) (Dkt. No. 8) is lifted, effective immediately.