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NOV 4 2026

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLOS SANCHEZ CHAVEZ; BRISEIDA KRISTELLE LOPEZ DE LA TORRE; C. E. S. L.; B. Y. S. L.; F. M. S. L., Petitioners, v. TODD BLANCHE, Attorney General, Respondent.	No. 24-2770 Agency Nos. A213-593-897 A213-593-898 A213-593-899 A213-593-900 A213-593-901 MEMORANDUM*

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

Submitted October 19, 2026**
San Francisco, California

Before: CALLAHAN and LEE, Circuit Judges, and EZRA, District Judge.***

Petitioner Carlos Sanchez Chavez—along with his wife Briseida Kristelle

* 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 David A. Ezra, United States District Judge for the District of Hawaii, sitting by designation.

Lopez de la Torre and their children, C.E.S.L., B.Y.S.L., and F.M.S.L.—seeks review of the Board of Immigration Appeals' (BIA) dismissal of his appeal of the Immigration Judge's (IJ) denial of asylum.

When reviewing final orders of the BIA, we review the agency's findings of fact for substantial evidence. *Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022). Under this standard, the agency's factual findings are considered "conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary." *Id.* (emphasis omitted). We review questions of law de novo. *Id.*

1. The agency did not err in finding that Sanchez Chavez, a native and citizen of Mexico, is not eligible for asylum because he has not established past persecution or an objectively reasonable fear of future persecution in Mexico. "To be eligible for asylum, a petitioner has the burden to demonstrate a likelihood of 'persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.'" *Sharma v. Garland*, 9 F.4th 1052, 1059 (9th Cir. 2021) (quoting 8 U.S.C. § 1101(a)(42)(A)).

The record supports the agency's conclusion that Sanchez Chavez failed to establish that he experienced past persecution. Sanchez Chavez never claimed to have been physically harmed by the cartel, and that the threats made against him were neither fulfilled, nor "direct, repeated, or specific threats of death." The BIA thus did not err in concluding that these incidents do not rise to the level of

persecution. *See Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019) (persecution is an "extreme concept that does not include every sort of treatment our society regards as offensive" (citation omitted)); *Wakkary v. Holder*, 558 F.3d 1049, 1059–60 (9th Cir. 2009) (threats and beating, without more, did not compel the conclusion of past persecution).

Even assuming that the threats rose to the level of persecution, substantial evidence supports the agency's dispositive determination that the harm he experienced and fears were untethered to a protected ground. To qualify for asylum, a noncitizen must demonstrate that a protected ground was "one central reason" for his past or feared harm. 8 U.S.C. § 1158(b)(1)(B)(i); *see Parussimova v. Mukase*y, 555 F.3d 734, 740 (9th Cir. 2009). To do so, the noncitizen must meet a basic motive requirement of showing, through direct or circumstantial evidence, that the wrongdoer knows and cares about the noncitizen's protected characteristic and that knowledge or belief motivated the wrongdoer to commit the acts in question. *INS v. Elias Zacarias*, 502 U.S. 478, 481, 482–83 (1992) ("[T]he statute makes motive critical."); *Khudaverdyan v. Holder*, 778 F.3d 1101, 1107 (9th Cir. 2015).

Here, substantial evidence supports the agency's conclusion that Sanchez Chavez did not establish his eligibility for asylum based on a political opinion (the only potential protected ground Sanchez Chavez has arguably preserved. *See Sagaydak v. Gonzales*, 405 F.3d 1035, 1042 (9th Cir. 2005) (holding that, to

establish a nexus to a political opinion, a noncitizen must show "(1) that [he] had either an affirmative or imputed political opinion, *and* (2) that [he was] targeted on account of that opinion.") (emphasis added). According to Sanchez Chavez, the cartel targeted him because they believed his warehouse would be ideal for hiding their weapons and vehicles from the Mexican government. And when Sanchez Chavez refused them access to the warehouse, the cartel simply told him that he needed to leave. Thus, the agency did not err in concluding that Sanchez Chavez did not demonstrate that an actual or imputed political opinion was "one central reason" for the cartel's threats against Sanchez Chavez.

To establish a well-founded fear of future persecution, an applicant must show a "subjectively genuine" and "objectively reasonable" fear. *See Li v. Holder*, 559 F.3d 1096, 1102 (9th Cir. 2009). To satisfy the objective component "requires credible, direct, and specific evidence" that the applicant faces an individualized risk of persecution or that there is a pattern or practice of persecution against similarly situated individuals. *Lolong v. Gonzales*, 484 F.3d 1173, 1178 (9th Cir. 2007) (en banc); 8 C.F.R. § 1208.13(b)(2)(iii).

Substantial evidence supports the agency's conclusion that Sanchez Chavez did not establish a well-founded fear of future persecution because Sanchez Chavez relies on the same evidence he relied on to support his past persecution claim. And "the fact that [a petitioner] failed to establish a nexus for past persecution means that

the same evidence would not show future persecution." *See Rodriguez-Zuniga v. Garland*, 69 F.4th 1012, 1022 (9th Cir. 2023). Accordingly, because Sanchez Chavez has failed to demonstrate both past and future persecution on account of a protected ground, he is ineligible for asylum.

2. Because Sanchez Chavez's opening brief does not advance any challenge to the agency's denial of his applications for withholding of removal and CAT protection, he has waived judicial review of the agency's denial. *Velasquez Gaspar v. Barr*, 976 F.3d 1062, 1065 (9th Cir. 2020). **PETITION DENIED.**[1]

[1] The Motion to Stay Removal (Dkt. No. 28) is denied.