

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 8 2022

FOR THE NINTH CIRCUIT

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

MANUEL GONZALEZ GOMEZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 15-72264

Agency No. A070-921-132

MEMORANDUM\*

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

Submitted November 14, 2022\*\*  
Pasadena, California

Before: NGUYEN and FORREST, Circuit Judges, and FITZWATER,\*\* District  
Judge.

Manuel Gonzalez Gomez petitions for review of a decision by the Board of  
Immigration Appeals (“BIA”) affirming the immigration judge’s (“IJ”) order

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\* 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 Sidney A. Fitzwater, United States District Judge for  
the Northern District of Texas, sitting by designation.

denying a continuance and denying asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. Reviewing the agency’s factual determinations for substantial evidence, *see Singh v. Holder*, 638 F.3d 1264, 1268–69 (9th Cir. 2011), and the IJ’s denial of a continuance for abuse of discretion, *see Arrey v. Barr*, 916 F.3d 1149, 1158 (9th Cir. 2019), we deny the petition for review.

1. The IJ had no obligation to continue the merits hearing so that Gonzalez Gomez could submit a new declaration in support of his application for asylum.<sup>1</sup> The IJ already had provided him 20 months to provide this documentation, and at the merits hearing, Gonzalez Gomez did not request more time to file a new declaration. Having no indication that Gonzalez Gomez intended to submit a new declaration, the IJ did not abuse his discretion by not sua sponte continuing the merits hearing for that purpose. *Cf. Tawadrus v. Ashcroft*, 364 F.3d 1099, 1105 (9th Cir. 2004).

2. Substantial evidence supports the IJ’s denial of asylum and withholding of removal because Gonzalez Gomez’s evidence showed only that he “desire[d] to

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<sup>1</sup> In his notice of appeal to the BIA, Gonzalez Gomez argued that he “was not given an opportunity to supplement [his] Political Asylum Petition.” We assume he referred to supplementing his asylum petition with a new declaration rather than with an application for cancellation of removal. Otherwise, his claim here is unexhausted and we lack jurisdiction to consider it. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

be free from harassment by criminals motivated by theft or random violence by gang members,” which “bears no nexus to a protected ground.” *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010). Similarly, his “generalized evidence of violence and crime in [Guatemala] is not particular to [him] and is insufficient to meet [the] standard” for CAT protection. *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010).

**PETITION DENIED.**