

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NOV 20 2018

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

JOSE LUIS ROSALES,

Petitioner,

v.

MATTHEW G. WHITAKER, Acting  
Attorney General

Respondent.

No. 15-73136

Agency No. A073-977-168

MEMORANDUM\*

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

Argued and Submitted October 17, 2018  
San Francisco, California

Before: HAWKINS and HURWITZ, Circuit Judges, and EATON,\*\* Judge.

Jose Luis Rosales (“Rosales”), a native and citizen of El Salvador, petitions for review of a decision of the Board of Immigration Appeals (“BIA”), dismissing his appeal from an order of an Immigration Judge (“IJ”), denying his application for protection under the Convention Against Torture (“CAT”). We have

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* Richard K. Eaton, Judge of the United States Court of International Trade, sitting by designation.

jurisdiction under 8 U.S.C. § 1252 and deny the petition.

1. The BIA substantially relied upon the opinion of the Immigration Judge (“IJ”) when denying CAT protection to Rosales. “Where, as here, the BIA adopts the decision of the IJ, we review the IJ’s decision as if it were that of the BIA.” *Hoque v. Ashcroft*, 367 F.3d 1190, 1194 (9th Cir. 2004).

2. The CAT provides protection to aliens who prove that they are more likely than not to be tortured if they are removed to the proposed country of removal. 8 C.F.R. § 1208.16(c)(2). Here, substantial evidence supported the IJ’s finding—which was adopted by the BIA—that Rosales did not show that he is more likely than not to be tortured if he is removed to El Salvador. Rosales had never been tortured or threatened with torture in El Salvador, nor did he submit evidence compelling the conclusion that he was likely to be subject to future torture in that country.

**DENIED.**