

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 23 2022

FOR THE NINTH CIRCUIT

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

CRISNA BETHANIA JIMENEZ-  
MARADIAGA; HAROLD NATHANEAL  
JIMENEZ-MARADIAGA,

Petitioners,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 17-70857

Agency Nos. A202-087-874  
A202-087-873

MEMORANDUM\*

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

Submitted November 15, 2022\*\*

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

Crisna Bethania Jimenez-Maradiaga and Harold Nathaneal Jimenez-  
Maradiaga, natives and citizens of El Salvador, petition pro se for review of the  
Board of Immigration Appeals' ("BIA") order dismissing their appeal from an

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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).

immigration judge’s decision 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. We review de novo the legal question of whether a particular social group is cognizable, except to the extent that deference is owed to the BIA’s interpretation of the governing statutes and regulations. *Conde Quevedo v. Barr*, 947 F.3d 1238, 1241-42 (9th Cir. 2020). We review for substantial evidence the agency’s factual findings. *Id.* at 1241. We deny the petition for review.

The BIA did not err in concluding that petitioners failed to establish membership in a cognizable particular social group. *See Reyes v. Lynch*, 842 F.3d 1125, 1131 (9th Cir. 2016) (to demonstrate membership in a particular social group, “[t]he applicant must ‘establish that the group is (1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question’” (quoting *Matter of M-E-V-G-*, 26 I. & N. Dec. 227, 237 (BIA 2014))); *see also Ramirez-Munoz v. Lynch*, 816 F.3d 1226, 1229 (9th Cir. 2016) (proposed particular social group lacked particularity because it could not be described “with passable distinction that the group would be recognized as a discrete class of persons” in the society). Thus, petitioners’ asylum and withholding of removal claims fail.

Substantial evidence supports the agency’s denial of CAT protection

because petitioners failed to show it is more likely than not they will be tortured by or with the consent or acquiescence of the government if returned to El Salvador. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009). We reject as unsupported by the record petitioners' contentions that the agency applied an incorrect legal standard or otherwise erred in the analysis of their CAT claims.

The temporary stay of removal remains in place until the mandate issues.

**PETITION FOR REVIEW DENIED.**