

NOT FOR PUBLICATION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

HEIDI AJOAEO-SOLANO, AKA Heidi
Aguayo-Solano,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 17-70936

Agency No. A201-281-299

MEMORANDUM*

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

Submitted November 15, 2022**

Before: CANBY, CALLAHAN, BADE, Circuit Judges

Heidi Ajoaeco-Solano, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's ("IJ") decision denying her applications for withholding of removal and protection under the Convention Against Torture ("CAT"). We have

* 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).

jurisdiction under 8 U.S.C § 1252. We review for substantial evidence the agency's factual findings. *Conde Quevedo v. Barr*, 947 F.3d 1238, 1241 (9th Cir. 2020). We review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Substantial evidence supports the agency's denial of withholding of removal because Ajoaeo-Solano failed to show a clear probability of future persecution. *See, e.g., Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003) (feared persecution "too speculative" to support claim). The BIA did not err in reviewing the IJ's factual findings for clear error. *See Vitug v. Holder*, 723 F.3d 1056, 1063–64 (9th Cir. 2013); *Matter of Z-Z-O-*, 26 I. & N. Dec. 586, 590 (BIA 2015) ("[A]n Immigration Judge's predictive findings of what may or may not occur in the future are findings of fact, which are subject to a clearly erroneous standard of review.").

The agency did not err by declining to reach Ajoaeo-Solano's membership in her proposed particular social group. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) (courts and agencies are not required to decide issues unnecessary to the results they reach). Thus, Ajoaeo-Solano's withholding of removal claim fails.

Substantial evidence also supports the agency's denial of CAT protection because Ajoaeo-Solano failed to show it is more likely than not she will be tortured

by or with the consent or acquiescence of the government if returned to Mexico. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009). We reject as unsupported by the record Ajoaeo-Solano's contention that the agency failed to consider all of the evidence or otherwise erred in its CAT analysis. *See Cole v. Holder*, 659 F.3d 762, 771 (9th Cir. 2011).

PETITION FOR REVIEW DENIED.