

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 12 2022

FOR THE NINTH CIRCUIT

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

GRACIELA GRAJEDA-OLVERA,

No. 17-72130

Petitioner,

Agency No. A077-208-559

v.

MEMORANDUM\*

MERRICK B. GARLAND, Attorney  
General,

Respondent.

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

Submitted December 7, 2022\*\*  
San Francisco, California

Before: NGUYEN and SANCHEZ, Circuit Judges, and BOUGH,\*\* District  
Judge.

Graciela Grajeda-Olvera (“Grajeda-Olvera”), a native and citizen of Mexico,  
petitions for review of the Board of Immigration Appeals’ (“BIA”) decision

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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 Stephen R. Bough, United States District Judge for the  
Western District of Missouri, sitting by designation.

affirming the Immigration Judge’s (“IJ”) denial of asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

We review for substantial evidence the factual findings supporting the BIA’s decision that an applicant has not established eligibility for asylum, withholding of removal, or relief under CAT. *Madrigal v. Holder*, 716 F.3d 499, 503 (9th Cir. 2013). “We review questions of law de novo.” *Id.*

1. Substantial evidence supports the BIA’s denial of asylum and withholding of removal for lack of nexus to a protected ground.<sup>1</sup> An asylum “applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.” 8 U.S.C. § 1158(b)(1)(B)(i). The standard for withholding of removal is not as demanding: an applicant must establish only that the protected ground was “a reason” for the persecution. *Barajas-Romero v. Lynch*, 846 F.3d 351, 360 (9th Cir. 2017); *see also Singh v. Barr*, 935 F.3d 822, 827 (9th Cir. 2019) (per curiam).

Grajeda-Olvera argues that Los Zetas targeted her, at least in part, based on

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<sup>1</sup> The BIA declined to address the IJ’s adverse credibility finding, instead focusing on – and affirming – the IJ’s alternate determination that even assuming Grajeda-Olvera’s testimony was credible, she failed to establish a nexus to a protected ground.

her nuclear family membership. Substantial evidence supports the BIA's determination that "Los Zetas members' extortion was [not] motivated, even in part, by any protected ground rather than simply for economic reasons." Grajeda-Olvera testified that when she paid money to Los Zetas, she was not harmed. She also testified that her parents and siblings, who live in Guadalajara and own businesses, have not had any problems with Los Zetas. We have held that a petitioner's "desire to be free from harassment by criminals motivated by theft or random violence by gang members bears no nexus to a protected ground." *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010). The record does not compel the conclusion that Grajeda-Olvera's nuclear family, rather than isolated instances of crime, motivated these attacks.

2. Substantial evidence also supports the denial of CAT relief. A CAT applicant must establish she would more likely than not be tortured by or with the acquiescence of a government official if removed. *See* 8 C.F.R. §§ 208.17(a), 208.18(a)(1); *Almaghar v. Gonzales*, 457 F.3d 915, 922–23 (9th Cir. 2006).

Grajeda-Olvera contends the agency erred by ignoring evidence of widespread violence and government corruption in Mexico. As an initial matter, she does not overcome the presumption that the BIA did review the evidence simply by asserting it did not. *See Fernandez v. Gonzales*, 439 F.3d 592, 603 (9th Cir. 2006). Furthermore, while the submitted country conditions evidence does

indicate crime and police corruption in Mexico generally, the record fails to show that Grajeda-Olvera faces a particularized, ongoing risk of future torture. *See Ramirez-Munoz v. Lynch*, 816 F.3d 1226, 1230 (9th Cir. 2016) (“Where Petitioners have not shown they are any more likely to be victims of violence and crimes than the populace as a whole in Mexico, they have failed to carry their burden [under CAT].”); *see also Tzompantzi-Salazar v. Garland*, 32 F.4th 696, 706–07 (9th Cir. 2022) (concluding that generalized evidence of violence and crime in Mexico was not particular to petitioner and therefore was insufficient to establish CAT eligibility).

**PETITION DENIED.**