

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 9 2022

FOR THE NINTH CIRCUIT

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

IGNACIO RAMIREZ-MENDOZA,

No. 20-73476

Petitioner,

Agency No. A206-349-796

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: BRESS and VANDYKE, Circuit Judges, and RESTANI,** Judge.

Ignacio Ramirez-Mendoza, a citizen of Mexico, petitions for review of a decision by the Board of Immigration Appeals (BIA) dismissing his appeal of an

* 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 Jane A. Restani, Judge for the United States Court of International Trade, sitting by designation.

Immigration Judge (IJ) order denying his applications for withholding of removal and relief under the Convention Against Torture (CAT).¹ We review the BIA’s decision for substantial evidence. *Sharma v. Garland*, 9 F.4th 1052, 1066 (9th Cir. 2021). “Under this standard, we must uphold the agency determination unless the evidence compels a contrary conclusion.” *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019). We have jurisdiction under 8 U.S.C. § 1252 and deny the petition.

1. Substantial evidence supports the denial of withholding of removal. To establish eligibility for withholding of removal, Ramirez-Mendoza must establish “that it is more likely than not” that he will be persecuted if returned to Mexico “because of” membership in a particular social group or another protected ground. *Barajas-Romero v. Lynch*, 846 F.3d 351, 357, 360 (9th Cir. 2017); *see* 8 U.S.C. § 1231(b)(3)(A). In this case, the BIA concluded that Ramirez-Mendoza did not experience past persecution in Mexico when he suffered minor injuries and did not require medical attention. The record does not compel a contrary conclusion. *See Sharma*, 9 F.4th at 1061 (“We have repeatedly denied petitions for review when, among other factors, the record did not demonstrate significant physical harm.”).

Moreover, Ramirez-Mendoza failed to show any claimed future persecution

¹ Ramirez-Mendoza has not challenged the denial of asylum or cancellation of removal, and these claims are therefore forfeited. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996).

would be because of his membership in a cognizable particular social group. Ramirez-Mendoza did not establish that he belonged to his proposed group of persons who “experienced prior mistreatment by the police in Mexico.” He also did not establish that his proposed groups of persons “who appear[] to be Americanized” or who “ha[ve] the perceived appearance of money [or] wealth” are distinct in Mexican society, and thus cognizable for purposes of withholding of removal. *See, e.g., Barbosa v. Barr*, 926 F.3d 1053, 1059 (9th Cir. 2019) (proposed group of “individuals returning to Mexico [from] the United States [who] are believed to be wealthy” is not cognizable); *Ramirez-Munoz v. Lynch*, 816 F.3d 1226, 1229 (9th Cir. 2016) (proposed group of “imputed wealthy Americans” is not a cognizable social group).

2. Substantial evidence supports the denial of CAT relief. An applicant for CAT relief bears the burden of establishing that he “will more likely than not be tortured with the consent or acquiescence of a public official if removed to h[is] native country.” *Xochihua-Jaimes v. Barr*, 962 F.3d 1175, 1183 (9th Cir. 2020). Ramirez-Mendoza has not experienced past torture in Mexico, and his request for relief referenced generalized reports of corruption and violence in the country. The record does not compel the conclusion that, if Ramirez-Mendoza returns to Mexico, he will likely be tortured by or with the acquiescence of government officials. *See Andrade-Garcia v. Lynch*, 828 F.3d 829, 836 (9th Cir. 2016) (“[G]eneral

ineffectiveness on the government's part to investigate and prevent crime will not suffice to show acquiescence.”).

PETITION DENIED.