

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 12 2023

FOR THE NINTH CIRCUIT

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

ELFIDO HERNANDEZ LOPEZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-1842

Agency No.
A088-724-060

MEMORANDUM*

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

Submitted December 8, 2023**
Pasadena, California

Before: CALLAHAN, R. NELSON, and BADE, Circuit Judges.

Elfido Hernandez Lopez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' (BIA) order denying relief under the Convention Against Torture (CAT). We have jurisdiction under 8 U.S.C.

* 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).

§ 1252(a), and we deny the petition.

Substantial evidence supports the BIA’s conclusion that Hernandez Lopez failed to prove it is more likely than not that he would be tortured by or with the acquiescence of a government official if returned to Mexico. *See* 8 C.F.R.

§§ 1208.16(c)(2), 1208.18(a)(1). Nothing in the record “compels a contrary conclusion.” *Castillo v. Barr*, 980 F.3d 1278, 1283 (9th Cir. 2020). Although Hernandez Lopez stated that he received threatening phone calls between 2000 and 2004, he could not identify who the callers were, what they wanted, or why they wanted to harm him. He could not identify anyone else who might harm him, and he testified that neither he nor any of his family members in Mexico had ever suffered torture in the country.

Moreover, the “generalized evidence of violence and crime in Mexico” Hernandez Lopez points to “is not particular to [him] and is insufficient” to obtain CAT protection. *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010); *see also Lalayan v. Garland*, 4 F.4th 822, 840 (9th Cir. 2021) (stating that a petitioner must show “a particularized threat of torture” (quoting *Dhital v. Mukasey*, 532 F.3d 1044, 1051 (9th Cir. 2008))). And his argument that he will be targeted because of his status as a deportee from the United States was unexhausted, so we decline to consider it. *See* 8 U.S.C. § 1252(d)(1).

PETITION DENIED.