

OCT 22 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JESUS LEMUS-EVERADO, a.k.a. Everado De Jesus Lemus,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 07-74119

Agency No. A035-342-313

MEMORANDUM*

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

Argued and Submitted October 9, 2013
Pasadena, California

Before: PAEZ and HURWITZ, Circuit Judges, and ERICKSON, Chief District
Judge.**

Jesus Lemus-Everado petitions for review of a final order of removal issued by
the Board of Immigration Appeals (BIA), affirming the denial by an immigration

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable Ralph R. Erickson, Chief District Judge for the U.S.
District Court for the District of North Dakota, sitting by designation.

judge (IJ) of Lemus's application for deferral of removal under the Convention Against Torture (CAT). We have jurisdiction to review the BIA's decision pursuant to 8 U.S.C. § 1252.

The BIA's decision that Lemus had not established that it is more likely than not that he will be tortured if removed to Guatemala was supported by substantial evidence. Both the BIA and the IJ carefully considered the evidence presented by Lemus, including the testimony of an expert witness, and found it unpersuasive. The BIA thus properly determined that Lemus had not made the showing necessary to obtain CAT relief.

DENIED.