

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RICARDO JOSE MARTINEZ- BRICENO, AKA Ricardo Jose Martinez,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>LORETTA E. LYNCH, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 13-74070

Agency No. A038-521-244

MEMORANDUM*

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

Submitted August 31, 2016**
Pasadena, California

Before: SILVERMAN, FISHER, and WATFORD, Circuit Judges.

The Board of Immigration Appeals (BIA) denied Ricardo Martinez-
Briceno’s request for deferral of removal under the Convention Against Torture.

We conclude that substantial evidence supports the BIA’s denial of relief.

* 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 record does not compel the conclusion that Martinez-Briceno will “more likely than not” be tortured by or with the acquiescence of the government if he returns to Mexico. *Arbid v. Holder*, 700 F.3d 379, 386 (9th Cir. 2012); *see also* 8 C.F.R. § 1208.16(c)(2). Martinez-Briceno submitted a 2012 State Department country report documenting “[s]ignificant human rights-related problems” in Mexico, including torture, as well as news articles describing the violent conflict between a drug cartel and vigilante groups in his home state of Michoacán. He also credibly testified that his cousin was kidnapped and murdered by unknown persons 10 to 20 years ago after returning to Mexico from the United States. But Martinez-Briceno has not shown that he will be subject to a “*particularized threat of torture.*” *Dhital v. Mukasey*, 532 F.3d 1044, 1051 (9th Cir. 2008). Notably, he does not challenge the findings affirmed by the BIA that no one has either tortured him in the past or shown a particular interest in harming him in the future. That his cousin was kidnapped and murdered does not compel the conclusion he more likely than not will suffer the same fate. Further, although Martinez-Briceno credibly fears that drug cartels or vigilante groups in Mexico will target him and then torture him with the government’s participation or acquiescence, we cannot say that the record compelled the BIA to conclude that he carried his burden of

showing that these events are more likely than not to occur. *See* 8 U.S.C.

§ 1229a(c)(4)(A).

We need not address Martinez-Briceno's particular social group and political opinion claims because a showing of nexus with a protected ground for asylum does not bear on his eligibility for protection under the Convention.

PETITION DENIED.