

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 23 2019

FOR THE NINTH CIRCUIT

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

NOE LOPEZ-LORENZO, AKA Noe
Moreno Lopez-Lorenzo,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 14-72499

Agency No. A095-745-091

MEMORANDUM*

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

Submitted May 21, 2019**

Before: THOMAS, Chief Judge, FRIEDLAND and BENNETT, Circuit Judges.

Noe Lopez-Lorenzo, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Garcia-Milian v. Holder*, 755 F.3d 1026, 1031 (9th Cir. 2014). We deny the petition for review.

In his opening brief, Lopez-Lorenzo fails to challenge the agency's determination that his asylum application was untimely. *See Corro-Barragan v. Holder*, 718 F.3d 1174, 1177 n.5 (9th Cir. 2013) (failure to contest issue in opening brief resulted in waiver). Thus, Lopez-Lorenzo's asylum claim fails.

Lopez-Lorenzo does not challenge the agency's finding that he failed to establish past persecution. Substantial evidence supports the agency's determination that Lopez-Lorenzo failed to establish a clear probability of future persecution. *See Tamang v. Holder*, 598 F.3d 1083, 1095 (9th Cir. 2010) (evidence did not compel a finding of a clear probability of future persecution to qualify for withholding of removal). Thus, Lopez-Lorenzo's withholding of removal claim fails.

Substantial evidence also supports the agency's denial of CAT relief because Lopez-Lorenzo failed to establish it is more likely than not he will be tortured by

or with the consent or acquiescence of the government. *See Aden v. Holder*, 589

F.3d 1040, 1047 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.