

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 23 2018

FOR THE NINTH CIRCUIT

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

JOSE ISABEL CASTILLO-RODAS,

No. 14-73072

Petitioner,

Agency No. A098-762-773

v.

MEMORANDUM\*

JEFFERSON B. SESSIONS III, Attorney  
General,

Respondent.

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

Submitted March 13, 2018\*\*

Before: LEAVY, M. SMITH, and CHRISTEN, Circuit Judges.

Jose Isabel Castillo-Rodas, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for withholding of removal and protection under the Convention Against Torture ("CAT"). We have

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\* 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. *Fakhry v. Mukasey*, 524 F.3d 1057, 1062 (9th Cir. 2008). We deny the petition for review.

Substantial evidence supports the agency's conclusion that Castillo-Rodas failed to establish it is more likely than not he will be persecuted if returned to El Salvador. *See Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003) (possibility of future persecution in Ukraine too speculative). Contrary to Castillo-Rodas's contentions, the BIA did not err in declining to reach his arguments as to nexus or relocation. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004). Thus, Castillo-Rodas's withholding of removal claim fails.

Substantial evidence also supports the agency's denial of CAT relief because Castillo-Rodas failed to establish it is more likely than not he will be tortured with the consent or acquiescence of the government of El Salvador. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009); *Garcia-Milian v. Holder*, 755 F.3d 1026, 1034-35 (9th Cir. 2014) (evidence did not compel conclusion that petitioner established the state action necessary for CAT relief).

**PETITION FOR REVIEW DENIED.**