

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2017

FOR THE NINTH CIRCUIT

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

ROXANA DEL CARMEN SANCHEZ DE
PORTILLO,

Petitioner,

v.

JEFF B. SESSIONS, Attorney General,

Respondent.

No. 14-73499

Agency No. A099-534-118

MEMORANDUM *

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

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Roxana Del Carmen Sanchez de Portillo, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's ("IJ") decision denying her application for withholding of removal and protection under the Convention

* 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).

Against Torture (“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to consider Sanchez de Portillo’s challenges to the IJ’s denial of her withholding of removal claim because she failed to exhaust this issue on appeal to the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004). Thus, we dismiss the petition for review as to Sanchez de Portillo’s withholding of removal claim.

Substantial evidence supports the BIA’s denial of CAT relief because Sanchez de Portillo failed to demonstrate it is more likely than not she would be tortured by the government of Salvador, or with its consent or acquiescence, if returned. *See* 8 C.F.R. § 1208.16(c)(2); *Silaya*, 524 F.3d at 1073. We reject her contention that the BIA failed to consider evidence. Thus, we deny the petition for review as to Sanchez de Portillo’s CAT claim.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.