

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 5 2021

FOR THE NINTH CIRCUIT

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

MARIA DEL ROSA RUIZ-CASTANEDA,

No. 15-71065

Petitioner,

Agency No. A200-877-792

v.

MEMORANDUM*

MERRICK B. GARLAND, Attorney
General,

Respondent.

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

Submitted April 30, 2021**

Before: GRABER, FRIEDLAND, and BENNETT, Circuit Judges.

Maria Del Rosa Ruiz-Castaneda, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her applications for asylum, withholding

* 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).

of removal, protection under the Convention Against Torture (“CAT”), and cancellation of removal.¹

We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), except to the extent that deference is owed to the BIA’s interpretation of the governing statutes and regulations, *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We review for substantial evidence the agency’s factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny the petition for review.

Substantial evidence supports the agency’s conclusion that Ruiz-Castaneda failed to establish she would be persecuted on account of a protected ground. *See Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (an applicant’s “desire to be free from harassment by criminals motivated by theft or random violence by gang members bears no nexus to a protected ground”). Thus, Ruiz-Castaneda’s claim for withholding of removal fails.

Substantial evidence also supports the agency’s denial of CAT protection because Ruiz-Castaneda failed to show it is more likely than not she will be tortured by or with the consent or acquiescence of the government if returned to

¹ Ruiz-Castaneda does not challenge the agency’s denial of her asylum application as time-barred or the denial of her application for cancellation of removal for failure to establish the requisite hardship.

Mexico. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009) (stating standard for CAT protection).

The temporary stay of removal remains in place until issuance of the mandate.

PETITION FOR REVIEW DENIED.