

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 23 2022

FOR THE NINTH CIRCUIT

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

JESSICA MARILU AGUILAR-
SANDOVAL,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 15-73458

Agency No. A200-974-437

MEMORANDUM*

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

Submitted May 17, 2022**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Jessica Marilu Aguilar-Sandoval, a native and citizen of Guatemala, petitions pro se 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 relief under the Convention Against

* 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).

Torture (“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *Conde Quevedo v. Barr*, 947 F.3d 1238, 1241 (9th Cir. 2020). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency’s determination that the harm Aguilar-Sandoval experienced in Guatemala did not rise to the level of persecution. *See Nahrvani v. Gonzales*, 399 F.3d 1148, 1153 (9th Cir. 2005) (persecution is an extreme concept). Substantial evidence also supports the agency’s determination that Aguilar-Sandoval did not establish a clear probability of future persecution in Guatemala. *See Lanza v. Ashcroft*, 389 F.3d 917, 934-35 (9th Cir. 2004) (petitioner’s evidence did not show clear probability of future persecution). Thus, Aguilar-Sandoval’s withholding of removal claim fails.

Substantial evidence supports the agency’s denial of CAT relief because Aguilar-Sandoval 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 Guatemala. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009). We reject as unsupported by the record Aguilar-Sandoval’s contentions that the agency applied an incorrect legal standard or otherwise erred in the analysis of her CAT claim.

To the extent Aguilar-Sandoval contends that she is eligible for asylum, we lack jurisdiction to consider her contentions because she abandoned her application

before the IJ. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004) (court lacks jurisdiction to review claims not presented to the agency).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.