

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 26 2019

FOR THE NINTH CIRCUIT

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

MARCELINA GODOY-RIVERA, AKA
Marcelina Godoy-De Godoy,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 16-70973

Agency No. A200-236-452

MEMORANDUM*

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

Submitted August 7, 2019**

Before: THOMAS, Chief Judge, HAWKINS and McKEOWN, Circuit Judges.

Marcelina Godoy-Rivera (“Godoy-Rivera”), a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing Godoy-Rivera’s appeal from an immigration judge’s (“IJ”) decision denying her application for withholding of removal and relief under the

* 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).

Convention Against Torture (“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252(a), and we deny in part and dismiss in part the petition.

Where, as here, the BIA adopts the IJ’s reasoning, we review both the IJ’s and BIA’s decisions. *Alanniz v. Barr*, 924 F.3d 1061, 1065 (9th Cir. 2019). We review for substantial evidence the agency’s factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We review de novo our jurisdiction. *Pena v. Lynch*, 815 F.3d 452, 455 (9th Cir. 2016).

Substantial evidence supports the agency’s conclusion that Godoy-Rivera failed to establish that she would be persecuted on account of a protected ground. Even after assuming that the proposed social groups that Godoy-Rivera asserted applied to her—including “repatriated female Guatemalan citizens,” “female Guatemalan citizens who worked in the United States,” or family members—the IJ correctly concluded that Godoy-Rivera failed to establish a nexus between those social groups or her political opinion, and the harm she fears if returned to Guatemala. *See Ayala v. Holder*, 640 F.3d 1095, 1097 (9th Cir. 2011) (even if membership in a particular social group is established, an applicant must still show that “persecution was or will be *on account of* his membership in such group” (emphasis in original)); *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, Godoy-Rivera’s withholding of removal claim fails.

We lack jurisdiction to review Godoy-Rivera’s challenge to the IJ’s denial of CAT relief because she failed to exhaust her administrative remedies on appeal to the BIA. *Alvarado v. Holder*, 759 F.3d 1121, 1128 (9th Cir. 2014) (petitioner does not satisfy the exhaustion requirement by generally challenging the IJ’s decision, but instead “must specify which issues form the basis of the appeal”) (citation and quotation omitted).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.