

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 18 2022

FOR THE NINTH CIRCUIT

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

MARTIN GONZALEZ-MARTINEZ, AKA
Martin Gonzalez, AKA Martin G. Martinez,
AKA Martin Martinez Gonzalez,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 16-72046

Agency No. A206-408-954

MEMORANDUM*

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

Submitted February 15, 2022**

Before: FERNANDEZ, TASHIMA, and FRIEDLAND, Circuit Judges.

Martin Gonzalez-Martinez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for

* 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).

withholding of removal and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *Garcia-Milian v. Holder*, 755 F.3d 1026, 1031 (9th Cir. 2014). We deny the petition for review.

Substantial evidence supports the agency’s determination that Gonzalez-Martinez failed to establish the harm he experienced or fears in Mexico was or would be on account of an imputed political opinion. *See INS v. Elias-Zacarias*, 502 U.S. 478, 483 (1992) (an applicant “must provide *some* evidence of [motive], direct or circumstantial”).

Gonzalez-Martinez does not challenge the agency’s determination that he did not establish past persecution on account of his race. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013) (issues not specifically raised and argued in a party’s opening brief are waived). Substantial evidence supports the agency’s determination that Gonzalez-Martinez failed to show a pattern or practice of persecution against indigenous Zapotecs in Mexico. *See Wakkary v. Holder*, 558 F.3d 1049, 1061-62 (9th Cir. 2009) (record evidence of widespread discrimination against particular groups did not compel the conclusion that there was a pattern or practice of persecution). Thus, Gonzalez-Martinez’s withholding of removal claim fails.

Substantial evidence also supports the agency’s determination that

Gonzalez-Martinez failed to show it is more likely than not that he will be tortured by or with the consent or acquiescence of the government if returned to Mexico.

See Aden v. Holder, 589 F.3d 1040, 1047 (9th Cir. 2009).

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

PETITION FOR REVIEW DENIED.