

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 13 2022

FOR THE NINTH CIRCUIT

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

ALEXIS DANIEL PEREZ-MENDOZA,
AKA Alexis Mendoza, AKA Alexis Perez,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 16-72764

Agency No. A076-618-480

MEMORANDUM*

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

Submitted August 31, 2022**
Pasadena, California

Before: M. SMITH and R. NELSON, Circuit Judges, and DRAIN,*** District Judge.

* 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).

*** The Honorable Gershwin A. Drain, United States District Judge for the Eastern District of Michigan, sitting by designation.

Petitioner Alexis Daniel Perez Mendoza¹ petitions for review of the Board of Immigration Appeals' (BIA) decision to affirm the Immigration Judge's (IJ) denial of withholding of removal and protection under the Convention Against Torture (CAT).² We have jurisdiction pursuant to 8 U.S.C. § 1252(a), and we deny the petition for review.

The parties' familiarity with the record is assumed, and the applicable standards of review are well established. *See, e.g., Robleto-Pastora v. Holder*, 591 F.3d 1051, 1056 (9th Cir. 2010). "Where, as here, the BIA adopts the IJ's decision and adds some of its own analysis, the panel reviews both decisions." *Ling Huang v. Holder*, 744 F.3d 1149, 1152 (9th Cir. 2014).

Substantial evidence supports the agency's conclusion that Perez Mendoza failed to demonstrate a "clear probability" of persecution, as required to qualify for withholding of removal. *Navas v. INS*, 217 F.3d 646, 655 (9th Cir. 2000). As the BIA pointed out in its decision, Perez Mendoza faced no past harm or any other form of persecution in Mexico. Perez Mendoza also failed to "show a good reason to fear *future* persecution by adducing credible, direct, and specific evidence in the record." *Molina-Estrada v. INS*, 293 F.3d 1089, 1094 (9th Cir. 2002) (quoting *Duarte de*

¹ Perez Mendoza's brief does not hyphenate his last name, while the government's brief does. Because Perez Mendoza's birth certificate and lawful permanent resident card do not hyphenate his name, we omit the hyphen in our disposition.

² Perez Mendoza does not seek review of the denial of his asylum claim.

Guinac v. INS, 179 F.3d 1156, 1159 (9th Cir. 1999)). While Perez Mendoza put forward generalized evidence of violence occurring in Mexico, none of this evidence compels the conclusion that he is at a heightened individual risk of harm. *See, e.g., Singh v. INS*, 134 F.3d 962, 967 (9th Cir. 1998) (“Petitioner cannot simply prove that there exists a generalized or random possibility of persecution; she must show that she is at particular risk—that her predicament is appreciably different from the dangers faced by her fellow citizens.” (quoting *Kotasz v. INS*, 31 F.3d 847, 852 (9th Cir. 1994)) (cleaned up)).

Perez Mendoza’s CAT claim fails for similar reasons. Assuming *arguendo* that Perez Mendoza did not abandon this claim on appeal (as the government suggests), it was properly denied because Perez Mendoza did not demonstrate that he was tortured in the past or put forward evidence compelling the conclusion that he faces a particularized risk of future torture. *See, e.g., Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (“Petitioners’ generalized evidence of violence and crime in Mexico is not particular to Petitioners and is insufficient to . . . establish prima facie eligibility for protection under the CAT.”).

PETITION FOR REVIEW DENIED.