

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 18 2019

FOR THE NINTH CIRCUIT

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

NORMA ANGELICA CHAVEZ
OLIVERA,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 17-70038

Agency No. A098-024-610

MEMORANDUM*

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

Argued and Submitted March 5, 2019
Phoenix, Arizona

Before: IKUTA and FRIEDLAND, Circuit Judges, and BLOCK,** District Judge.

Norma Chavez Olivera, a Mexican citizen and national, seeks review of a decision by the Board of Immigration Appeals (“BIA”) affirming an immigration judge’s denial of withholding of removal and relief under the Convention Against Torture (“CAT”). Reviewing the BIA’s decision for substantial evidence, *Gu v.*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable Frederic Block, United States District Judge for the Eastern District of New York, sitting by designation.

Gonzales, 454 F.3d 1014, 1018 (9th Cir. 2006), we hold that the evidence does not compel the conclusion that its determinations were incorrect. We deny the petition.

First, substantial evidence supports the BIA's conclusion that Olivera has not established that her political opinion or any other protected ground would be at least "a reason" for potential persecution in Mexico. *See Barajas-Romero v. Lynch*, 846 F.3d 351, 358–59 (9th Cir. 2017). The evidence does not compel the conclusion that Olivera expressed a political opinion by filing inquiries with government agencies and otherwise investigating her husband's disappearance, nor that her potential persecutors imputed such an opinion to her and then acted upon it. Absent a nexus between a protected ground and potential persecution, Olivera cannot secure withholding of removal, *see* 8 U.S.C. § 1231(b)(3), so we need not consider her other arguments regarding that form of relief.

Second, substantial evidence supports the BIA's conclusion that Olivera is not more likely than not to be tortured upon return to Mexico. Although Olivera received threatening telephone calls, she lived in Mexico without suffering any physical harm for more than eighteen months after her husband's abduction. Olivera's country conditions evidence documented a general problem of torture and human rights abuses in Mexico, including at the hands of state actors, but those facts combined with the threats she received do not compel the conclusion

that she would face a sufficiently particularized threat of torture to warrant CAT relief. *See Dhital v. Mukasey*, 532 F.3d 1044, 1051–52 (9th Cir. 2008).

The petition is **DENIED**.