

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 8 2022

FOR THE NINTH CIRCUIT

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

SALOMON ALMAZO-GARCIA,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 17-70066

Agency No. A205-062-943

MEMORANDUM*

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

Submitted November 14, 2022**
Pasadena, California

Before: NGUYEN and FORREST, Circuit Judges, and FITZWATER,** District
Judge.

Salomon Almazo-Garcia, a native and citizen of Mexico, petitions for
review of the Board of Immigration Appeals' ("BIA") order denying his motion to

* 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 Sidney A. Fitzwater, United States District Judge for
the Northern District of Texas, sitting by designation.

reopen removal proceedings to apply for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252(b). Reviewing for abuse of discretion, *see Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1150 (9th Cir. 2010) (per curiam), we deny the petition for review.

To reopen based on changed country conditions, the movant must produce previously unavailable evidence that conditions have materially changed in the country of removal and show prima facie eligibility for the relief sought. *See Agonafer v. Sessions*, 859 F.3d 1198, 1204 (9th Cir. 2017).

1. The BIA properly found that Almazo-Garcia had “not demonstrated materially changed country conditions in Mexico” between 2012 and 2015. In his declaration, Almazo states that “[t]here is a lot of violence going on [in Mexico] at this time.” The 2015 Human Rights Report, introduced by Almazo-Garcia, states that impunity for human rights abuses and corruption in the law enforcement and justice system “remained” serious problems and that threats and violence against various groups “persisted.”

2. The BIA properly found that Almazo-Garcia had “not established his [prima facie] eligibility for relief.” An applicant for asylum and withholding of removal “must demonstrate a nexus between [his] . . . feared harm and a protected

ground.”¹ *Garcia v. Wilkinson*, 988 F.3d 1136, 1143 (9th Cir. 2021). Neither the 2015 Human Rights Report nor Almazo’s declaration provides information about his claimed particular social group—“Mexicans who are perceived to have wealth and who return to Mexico after having resided in the United States fo[r] many years.” Almazo’s “fear . . . [that] people are being kidnapped and even killed” in Mexico lacks any nexus to this particular social group. *See Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010). Similarly, the BIA properly found that Almazo could not meet the requirements for CAT protection because his evidence of general crime and violence in Mexico “does not indicate a likelihood of [torture].” *See Delgado-Ortiz*, 600 F.3d at 1152.

PETITION DENIED.

¹ Although the BIA improperly cited the same nexus standard for asylum and withholding of removal, we draw “no distinction” between the two standards when “there [is] no nexus at all.” *Barajas-Romero v. Lynch*, 846 F.3d 351, 360 (9th Cir. 2017). Because the BIA found an “absence of a nexus” between the “general conditions of crime and violence” in Mexico and “a statutorily protected ground,” its misstatement of the law affected “neither the result nor the BIA’s basic reasoning.” *Singh v. Barr*, 935 F.3d 822, 827 (9th Cir. 2019).