

NOT FOR PUBLICATION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

SALVADOR JESUS SERPAS-
HERNANDEZ, AKA Salvador Jesus
Sepras-Hernandez, AKA Salvador Serpas,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 17-70355

Agency No. A092-785-014

MEMORANDUM*

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

Submitted March 12, 2019**

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

Salvador Jesus Serpas-Hernandez, a native and citizen of El Salvador and a legal permanent resident, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and

* 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).

protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the agency’s particularly serious crime determination and review for substantial evidence the denial of CAT relief. *Konou v. Holder*, 750 F.3d 1120, 1127, 1124 (9th Cir. 2014). We review de novo questions of law. *Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009). We deny the petition for review.

The agency did not err or abuse its discretion in determining Serpas-Hernandez’s conviction is a particularly serious crime that renders him ineligible for asylum and withholding of removal, where the agency relied on the appropriate factors and proper evidence in reaching its conclusion. *See* 8 U.S.C. § 1231(b)(3)(B)(ii); 8 C.F.R. § 1208.16(d)(2); *Avendano-Hernandez v. Lynch*, 800 F.3d 1072, 1077 (9th Cir. 2015) (the court’s review of the agency’s discretionary particularly serious crime determination is limited to ensuring the agency relied on the appropriate factors and proper evidence).

Because the particularly serious crime determination is dispositive, we do not, and the BIA was not required to, address Serpas-Hernandez’s other contentions regarding eligibility for asylum and withholding of removal. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004).

Substantial evidence supports the agency’s denial of CAT relief, where Serpas-Hernandez did not show it is more likely than not he would be tortured by

or with the acquiescence of the Salvadoran government. *See Garcia-Milian v. Holder*, 755 F.3d 1026, 1033 (9th Cir. 2014). To the extent Serpas-Hernandez contends the agency insufficiently explained its decision, this contention is not supported by the record. *See Najmabadi v. Holder*, 597 F.3d 983, 990-91 (9th Cir. 2010) (holding the BIA adequately considered evidence and sufficiently announced its decision).

PETITION FOR REVIEW DENIED.