

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 13 2022

FOR THE NINTH CIRCUIT

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

JOSEFINA MARISOL ACOSTA DE
BORJA; MELISSA BORJA ACOSTA,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 17-72905

Agency Nos. A206-882-502
A206-882-501

MEMORANDUM*

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

Submitted December 7, 2022**
San Francisco, California

Before: NGUYEN and SANCHEZ, Circuit Judges, and BOUGH,*** 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 Stephen R. Bough, United States District Judge for the
Western District of Missouri, sitting by designation.

Josefina Acosta De Borja and her daughter Melissa Borja Acosta petition for review of a decision by the Board of Immigration Appeals (“BIA”) affirming the immigration judge’s order denying asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. Reviewing the agency’s factual findings for substantial evidence and any legal conclusions de novo, *see Flores Molina v. Garland*, 37 F.4th 626, 632 (9th Cir. 2022), we deny the petition for review.

1. The agency properly rejected petitioners’ applications for asylum and withholding of removal. Substantial evidence supports the BIA’s finding that petitioners’ “fear of returning to El Salvador is based on general conditions of criminal violence and civil unrest affecting their home country’s populace as a whole.” *See Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (“An alien’s desire to be free from harassment by criminals motivated by theft or random violence by gang members bears no nexus to a protected ground.”).

2. The agency properly rejected petitioners’ applications for CAT relief. Substantial evidence supports the BIA’s finding that petitioners failed to show a likelihood of torture with a public official’s consent or acquiescence. *See* 8 C.F.R. §§ 1208.16(c)(2), 1208.18(a)(1); *Andrade-Garcia v. Lynch*, 828 F.3d 829, 836 (9th Cir. 2016) (explaining that “general ineffectiveness” in preventing crime is insufficient to show acquiescence).

PETITION DENIED.