

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 15 2019

FOR THE NINTH CIRCUIT

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

RONALD ALCIDES-BERRIOS, AKA
Ronald Berrios Gonzalez,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-70531

Agency No. A095-136-718

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.

Ronald Alcides-Berrios, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal, withholding of removal, and relief under the Convention Against Torture

* 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).

(“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *Garcia-Milian v. Holder*, 755 F.3d 1026, 1031 (9th Cir. 2014). We review de novo constitutional claims. *Arteaga-De Alvarez v. Holder*, 704 F.3d 730, 735 (9th Cir. 2012). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency’s discretionary determination of Alcides-Berrios’s cancellation of removal claim. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *see also Arteaga-De Alvarez*, 704 F.3d at 736 (court lacks jurisdiction to review merits of hardship determination and only retains jurisdiction over constitutional claims that have “some possible validity”) (citation omitted).

Substantial evidence supports the agency’s determination that Alcides-Berrios failed to establish that any harm he experienced or fears in El Salvador was or would be on account of a protected ground. *See Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (“An [applicant’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.”); *see also Santos-Lemus v. Mukasey*, 542 F.3d 738, 747 (9th Cir. 2008) (evidence supported conclusion that gang victimized petitioner for economic and personal reasons rather than on account of a protected ground)

abrogated on other grounds by Henriquez-Rivas v. Holder, 707 F.3d 1081, 1093 (9th Cir. 2013) (en banc). Thus, Alcides-Berrios's withholding of removal claim fails.

Substantial evidence also supports the agency's denial of CAT relief because Alcides-Berrios failed to show it is more likely than not he would be tortured by or with the consent or acquiescence of the government of El Salvador. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009).

Alcides-Berrios's requests to terminate removal proceedings or to hold his case in abeyance are denied. *See Karingithi v. Whitaker*, 913 F.3d 1158, 1160-62 (9th Cir. 2019) (initial notice to appear need not include time and date information to vest jurisdiction in the immigration court).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.