

NOT FOR PUBLICATION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

MARILU MANDUJANO ANDRADE, et
al.,

Petitioners,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-70950

Agency Nos. A206-911-926
A206-911-927

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.

Marilu Mandujano Andrade and her son, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's ("IJ") decision denying their application for asylum, humanitarian asylum, withholding of removal, and relief under the

* 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).

Convention Against Torture (“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 deny in part and dismiss in part the petition for review.

In their opening brief, petitioners fail to challenge the agency’s dispositive finding that Andrade failed to establish a nexus between any harm that she suffered or fears in Mexico and a protected ground. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-1080 (9th Cir. 2013) (issues not specifically raised and argued in a party’s opening brief are waived). Thus, petitioners’ asylum, humanitarian asylum, and withholding of removal claims fail.

Substantial evidence supports the agency’s denial of CAT relief because Andrade failed to show it is more likely than not that she would be tortured by or with the consent or acquiescence of the Mexican government. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009); *see also Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (generalized evidence of violence and crime in Mexico was not particular to the petitioner and insufficient to establish eligibility for CAT relief).

We lack jurisdiction to consider petitioners’ contentions regarding family

membership as a social group because they failed to raise this claim before the IJ.

See Montes-Lopez v. Gonzales, 486 F.3d 1163, 1165 (9th Cir. 2007) (“[W]e are not permitted to decide a claim that the immigration court has not considered in the first instance.”).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.