

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 26 2019

FOR THE NINTH CIRCUIT

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

RODOLFO GUZMAN-MARTINEZ,

No. 18-72450

Petitioner,

Agency No. A073-856-793

v.

MEMORANDUM\*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted August 19, 2019\*\*

Before: SCHROEDER, PAEZ, and HURWITZ, Circuit Judges.

Rodolfo Guzman-Martinez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for deferral of removal under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C.

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\* 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).

§ 1252. We consider questions of law de novo, and we review factual findings for substantial evidence. *Guan v. Barr*, 925 F.3d 1022, 1031 (9th Cir. 2019). We deny the petition for review.

Substantial evidence supports the agency's denial of CAT relief because Guzman-Martinez failed to establish that it is more likely than not that he would be tortured by or with the consent or acquiescence of the government if returned to Mexico. *See Aden v. Holder*, 589 F.3d 140, 1047 (9th Cir. 2009); *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). In determining whether Guzman-Martinez met his burden of proof, the agency properly considered the lack of evidence of any past torture. *See Mairena v. Barr*, 917 F.3d 1119, 1125 (9th Cir. 2019) (evidence of past torture is relevant in assessing whether torture is more likely than not).

**PETITION FOR REVIEW DENIED.**