

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 12 2022

FOR THE NINTH CIRCUIT

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

HERNESTINA ARRIETA ROBLES; JOSE
LUIS HERNANDEZ MIRANDA; J.H.A., a
minor; G.H.A., a minor,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 18-72919

Agency Nos. A095-763-868
A208-118-943
A208-118-944
A208-120-327

MEMORANDUM*

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

Submitted November 14, 2022**
Pasadena, California

Before: NGUYEN and FORREST, Circuit Judges, and FITZWATER, *** District
Judge.

Petitioners Hernestina Arrieta Robles, Jose Hernandez Miranda, and their two

* 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 Sidney A. Fitzwater, United States District Judge for
the Northern District of Texas, sitting by designation.

minor sons (collectively, Petitioners) seek review of a Board of Immigration Appeals' (BIA) decision denying their applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). When, as here, the BIA conducts its own review of the evidence and law, we must limit our review to the BIA's decision "except to the extent that the [immigration judge's] opinion is expressly adopted." *Shrestha v. Holder*, 590 F.3d 1034, 1039 (9th Cir. 2010) (quoting *Hosseini v. Gonzales*, 471 F.3d 953, 957 (9th Cir. 2006)). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

Petitioners do not challenge in their opening brief the BIA's dispositive finding that their proposed particular social group was not cognizable because it was impermissibly defined by the harm suffered. Petitioners likewise make no specific and distinct argument that the BIA erred in concluding that they did not show the clear likelihood of torture by or with the acquiescence of a government official upon removal to Mexico, which is required for CAT relief. *See Xochihua-Jaimes v. Barr*, 962 F.3d 1175, 1183 (9th Cir. 2020). Therefore, any challenges to these determinations that are dispositive of Petitioners' claims for relief are forfeited. *See Nguyen v. Barr*, 983 F.3d 1099, 1102 (9th Cir. 2020).

PETITION DENIED.