

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2019

FOR THE NINTH CIRCUIT

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

RAMON ALBERTO MIRAMONTES-
AVILA, AKA Francisco Luna Lopez, AKA
Martin Lopez-Aros, AKA Francisco
Martinez-Lopez, AKA Franciso Luna
Martinez-Lopez, AKA Ramon Miramontes,
AKA Ramon Alberto Miramontes, AKA
Ramon Miramontes-Avila, AKA Ramon
Miramontes-Ceballos,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-73153

Agency No. A092-438-104

MEMORANDUM*

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

Submitted November 18, 2019**

Before: CANBY, TASHIMA, and CHRISTEN, Circuit Judges.

Ramon Alberto Miramontes-Avila, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from

* 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).

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. § 1252. We review for substantial evidence the agency's factual findings. *Lopez v. Sessions*, 901 F.3d 1071, 1074 (9th Cir. 2018). We deny the petition for review.

Substantial evidence supports the agency's determination that Miramontes-Avila failed to establish it is more likely than not he will be tortured by or with the consent or acquiescence of the government if returned to Mexico. *See Andrade v. Lynch*, 798 F.3d 1242, 1245 (9th Cir. 2015) (substantial evidence supported denial of deferral of removal under CAT where petitioner failed to show more likely than not he would be subjected to torture upon return); *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (generalized evidence of violence and crime in Mexico not particular to petitioners was insufficient to establish CAT relief).

Miramontes-Avila's contention that the immigration judge lacked jurisdiction over his proceedings is foreclosed by *Karingithi v. Whitaker*, 913 F.3d 1158, 1160-62 (9th Cir. 2019) (notice to appear need not include time and date of hearing to vest jurisdiction in the immigration court).

PETITION FOR REVIEW DENIED.