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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EMILIA HERRERA CARDENAS, et al.,

Petitioners,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 22-1565

Agency No. A208-307-984

Agency No. A208-307-985

Agency No. A208-307-986

Agency No. A208-307-987

Agency No. A208-307-988

MEMORANDUM\*

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

Argued and Submitted December 7, 2023  
San Francisco, California

Before: S.R. THOMAS, BRESS, and JOHNSTONE, Circuit Judges.

Emilia Herrera Cardenas (“Herrera”) and her minor children, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals (“the Board”) decision affirming an immigration judge’s (“IJ”) denial of their applications for asylum, withholding of removal, and protection under the

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252(a). We review the Board’s factual findings, including what a persecutor’s motive may be, under the deferential substantial evidence standard.

*Umana-Escobar v. Garland*, 69 F.4th 544, 550, 552 (9th Cir. 2023). We deny the petition. Because the parties are familiar with the facts and the procedural history, we need not recount them here.

## I

Substantial evidence supports the agency’s denial of asylum and withholding of removal relief. To be eligible for asylum or withholding, an applicant must demonstrate a “nexus” between past or anticipated persecution and a statutorily protected ground, such as membership in a particular social group (PSG). *Barajas-Romero v. Lynch*, 846 F.3d 351, 357 (9th Cir. 2017). Because family is a “quintessential” PSG, *Rios v. Lynch*, 807 F.3d 1123, 1128 (9th Cir. 2015), family membership can satisfy the nexus requirement where the applicant demonstrates that “family membership was a reason motivating [a persecutor] to target her.” *Rodriguez-Zuniga v. Garland*, 69 F.4th 1012, 1019 (9th Cir. 2023).

Here, substantial evidence supports the agency’s conclusion that Herrera failed to demonstrate a nexus between past or feared persecution and a protected ground. Herrera testified that her husband and brother-in-law were both kidnapped

for ransom by members of a local cartel. Both men owned and operated several taxis, which provided a “very stable economic situation” for the family. After Herrera’s family members were released for ransom, the cartel demanded that they begin paying a monthly extortion fee in exchange for the ongoing safety of their families. Herrera’s husband complied with this demand for several years, until he left Mexico in 2011, at which point the cartel began contacting Herrera, demanding that she pay the monthly fee in his stead. When asked why her family was targeted, Herrera testified that “it all has to do with money.”

This record supports the agency’s conclusion that Herrera failed to demonstrate that the cartel’s actions were motivated by anything other than general desire for financial gain. The record does not disclose that the cartel expressed animus towards Herrera’s family, apart from its economic interests, or that the cartel referenced Herrera’s or her family’s political beliefs.

“Where the record indicates that the persecutor’s actual motivation for threatening a person is to extort money . . . the record does not compel finding that the persecutor threatened the target because of a protected characteristic. . . .”

*Rodriguez-Zuniga*, 69 F.4th at 1019. “An alien’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.” *Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010).

Because a “lack of a nexus to a protected ground is dispositive” of eligibility for asylum and withholding, we must deny the petition. *Riera-Riera v. Lynch*, 841 F.3d 1077, 1081 (9th Cir. 2016).

## II

Substantial evidence supports the agency’s determination that Herrera failed to show she is more likely than not to be tortured if returned to Mexico, and is therefore not entitled to relief under the CAT. 8 C.F.R. § 1208.16(c)(2). Herrera’s prediction of future torture is based on the unusual phone call she received after reporting her extortion to the police. Because Herrera did not provide corroborative evidence that the call was not a routine follow-up, the record does not compel the conclusion that the police were indeed cooperating with the cartel.

**PETITION DENIED.**