

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 27 2024

FOR THE NINTH CIRCUIT

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

ERICA BRAVO RAMIREZ; VALERIA
LEYVA BRAVO; IGNACIO LEYVA
BRAVO; MARIO ALBERTO LEYVA
MONTES,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-316

Agency Nos.
A206-498-553
A206-498-554
A206-498-555
A206-498-560

MEMORANDUM*

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

Submitted March 25, 2024**
Pasadena, California

Before: GRABER, GOULD, and FORREST, Circuit Judges.

Petitioners Erica Bravo Ramirez, her spouse Mario Alberto Leyva Montes,
and their two minor children are natives and citizens of Mexico. They petition for

* 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).

review of the Board of Immigration Appeals’ (“BIA”) order dismissing their appeal of an immigration judge’s (“IJ”) denial of their applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”).¹ We review the decisions of both the BIA and the IJ where, as here, the BIA adopts the IJ’s reasoning. Hernandez v. Garland, 47 F.4th 908, 912 (9th Cir. 2022). We review factual findings for substantial evidence, meaning that we must uphold the agency’s determination unless the evidence compels a contrary conclusion. Iman v. Barr, 972 F.3d 1058, 1064 (9th Cir. 2020). We deny the petition.

1. Substantial evidence supports the BIA’s ruling that Petitioner’s sole proposed particular social group on appeal (“business owners recruited by powerful well-known criminal organizations”) is not socially distinct. See Conde Quevedo v. Barr, 947 F.3d 1238, 1242 (9th Cir. 2020) (holding that social distinction is a question of fact). Petitioner proffers no evidence to compel a conclusion contrary to the BIA’s determinations that the group is neither defined with particularity nor socially distinct within Mexico and, therefore, not cognizable.

¹ We refer to the lead petitioner, Erica Bravo Ramirez, as “Petitioner.” Petitioner’s spouse and children seek asylum as Petitioner’s derivative beneficiaries. Petitioner’s spouse and children also filed independent applications for asylum, withholding of removal, and CAT protection. The bases for those claims are the same as Petitioner’s.

Substantial evidence also supports the BIA's ruling that Petitioner failed to establish that the Mexican government was unable or unwilling to protect her from gang-related violence. The BIA was unpersuaded that the Mexican government's struggles to curb gang-related violence necessarily proved that the harm Petitioner feared involved private actors that the Mexican authorities were unable or unwilling to control. Citing country conditions evidence reflecting the Mexican government's efforts to combat the cartel from which Petitioner feared future harm, the BIA ruled that Petitioner did not meet her evidentiary burden. We cannot conclude that the record compels a conclusion to the contrary.

2. Petitioner's claim for protection under CAT similarly fails because she does not demonstrate that any future torture would be perpetrated by or with the consent or acquiescence of a government official. See 8 C.F.R. §§ 208.16(c)(2), 208.18(a). Although the record reflects that the Mexican government has encountered difficulties in preventing gang-related harm, "a general ineffectiveness on the government's part to investigate and prevent crime will not suffice to show acquiescence." Andrade-Garcia v. Lynch, 828 F.3d 829, 836 (9th Cir. 2016).

PETITION DENIED.