

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 23 2023

FOR THE NINTH CIRCUIT

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

YOSELYN MILIZETH GUERRERO
SORTO; JESUS EDGARDO GUTIERREZ
GUERRERO; KEVIN JOSE GUTIERREZ
GUERRERO; JENIFER MILIZETH
GUTIERREZ GUERRERO; JOSSELYN
MICHELLE GUTIERREZ GUERRERO,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-908

Agency Nos.
A208-605-735
A208-605-737
A208-605-736
A208-605-739
A208-605-738

MEMORANDUM*

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

Submitted October 18, 2023**
San Francisco, California

Before: BEA, CHRISTEN, and JOHNSTONE, Circuit Judges.

* 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).

Yoselyn Milizeth Guerrero Sorto and her four children (“Petitioners”), Honduran nationals and citizens, petition for review of the decision of the Board of Immigration Appeals (“BIA”) affirming the denial of their applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). Because the parties are familiar with the facts, we do not recount them here. We have jurisdiction under 8 U.S.C. § 1252. We review the BIA’s legal conclusions de novo and its factual findings for substantial evidence. *Garcia v. Wilkinson*, 988 F.3d 1136, 1142 (9th Cir. 2021). We deny the petition.

Substantial evidence supports the BIA’s determination that Petitioners failed to establish a nexus between their alleged persecution and their family-based particular social group. *See Barajas-Romero v. Lynch*, 846 F.3d 351, 357 (9th Cir. 2017); 8 U.S.C. § 1158(b)(1)(B)(i) (listing protected grounds for asylum); 8 U.S.C. § 1231(b)(3)(A) (same, for withholding of removal). Petitioners’ general fear of gang violence is insufficient to establish eligibility for asylum and withholding of removal. *Zetino v. Holder*, 622 F.3d 1007, 1015–16 (9th Cir. 2010) (noting the “desire to be free from harassment by criminals motivated by theft or random violence by gang members bears no nexus to a protected ground”).

Substantial evidence also supports the BIA’s determination that Petitioners are not eligible for CAT protection because they failed to establish that “it is more likely than not [they] would be tortured” by or with the consent or acquiescence of

a Honduran public official. 8 C.F.R. §§ 1208.16(c)(2), 1208.18(a)(1). Petitioners have not produced any evidence connecting the Honduran government to their prospective torture if returned to Honduras. While Petitioners' country conditions reports show generalized violence throughout Honduras and ineffective and occasionally corrupt government officials, "[g]eneralized evidence of violence in a country is itself insufficient to establish that anyone in the government would acquiesce to a petitioner's torture." *B.R. v. Garland*, 26 F.4th 827, 845 (9th Cir. 2022) (citing *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010)).

PETITION DENIED.