

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 8 2024

FOR THE NINTH CIRCUIT

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

ROSA MARIA FUENTES
MALDONADO; YOENI AMANECER
SAUCEDO FUENTES; CARLOS ISRAEL
SAUCEDO FUENTES,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 23-602

Agency Nos.
A215-548-015
A215-548-016
A215-548-017

MEMORANDUM*

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

Submitted April 4, 2024**
San Francisco, California

Before: M. SMITH, HURWITZ, and JOHNSTONE, Circuit Judges.

Rosa María Fuentes Maldonado and her minor children, natives and citizens
of Mexico, seek review of an order from the Board of Immigration Appeals

* 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).

(“BIA”) dismissing their appeal of an order from an Immigration Judge (“IJ”) denying their applications for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”).

We have jurisdiction under 8 U.S.C. § 1252. Where “the BIA expresse[s] agreement with the reasoning of the IJ,” we review both decisions. *Kumar v. Holder*, 728 F.3d 993, 998 (9th Cir. 2013). We review legal conclusions de novo and factual findings for substantial evidence. *Id.* We deny the petition.

1. Fuentes Maldonado argues that the IJ should have considered whether she demonstrated a well-founded fear of persecution on account of her membership in two proposed social groups, “children who cannot leave domestic relations,” and “children without adequate protection,” independent of the sexual abuse she experienced as a child. However, as the Government contends, Fuentes Maldonado did not raise this claim to the BIA.¹ We therefore deem this claim unexhausted and decline to address it. *See Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023).

2. Substantial evidence supports the determination that Fuentes Maldonado failed to establish a nexus between any past or feared future persecution and either her alleged membership in the social group of “persons perceived to be supporters

¹ Indeed, Fuentes Maldonado conceded during closing argument before the IJ that she had “no current fear” of harm related to age-based social groups.

of Los Zetas” or an imputed pro-cartel political opinion. *See* 8 U.S.C. §§ 1158(b)(1)(B)(i) (listing protected grounds for asylum), 1231(b)(3)(A) (same, for withholding of removal). There is substantial evidence for the finding that the Mexican police raided Fuentes Maldonado’s home based on a mistake as to her husband’s identity, rather than the belief that the family supported the Zetas cartel. *See Vasquez-Rodriguez v. Garland*, 7 F.4th 888, 893 (9th Cir. 2021). And the record does not compel us to conclude that the police would target Fuentes Maldonado on this basis in the future. A generalized fear of violence and corruption bears no nexus to a protected ground.² *See Rodriguez-Zuniga v. Garland*, 69 F.4th 1012, 1014, 1022 (9th Cir. 2023). Because there is “no nexus at all” between Fuentes Maldonado’s past or feared future harm and a protected ground, the agency did not improperly conflate the asylum and withholding of removal nexus standards. *See Barajas-Romero v. Lynch*, 846 F.3d 351, 360 (9th Cir. 2017).

3. Substantial evidence also supports the denial of CAT relief. Fuentes Maldonado did not establish that “it is more likely than not that . . . she would be tortured” by or with the consent or acquiescence of the Mexican government. 8

² Because the absence of nexus is dispositive for asylum and withholding of removal, the Agency was not required to consider the remaining elements of these claims. *See* 8 U.S.C. §§ 1158(b)(1)(B)(i), 1231(b)(3)(A); *I.N.S. v. Bagamasbad*, 429 U.S. 24, 25 (1976).

C.F.R. §§ 1208.16(c)(2), 1208.18(a)(1). The IJ reasonably concluded that Fuentes Maldonado was not previously tortured, and that she failed to present evidence that she faces an individualized risk of torture if removed. *See Tzompantzi-Salazar v. Garland*, 32 F.4th 696, 706–07 (9th Cir. 2022) (upholding denial of CAT relief where police-persecutors showed no ongoing interest in petitioner even with prevalent crime and corruption in Mexico).

4. Because Fuentes Maldonado’s petition for review fails, any claims her children hold as derivative asylum applicants also fail. *See* 8 U.S.C. § 1158(b)(3)(A); *Kumar v. Gonzales*, 439 F.3d 520, 521, 525 (9th Cir. 2006).

PETITION DENIED.