

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 19 2023

FOR THE NINTH CIRCUIT

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

SAUL GUSTAVO CARBAJAL
GUEVARA; et al.,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 23-608

Agency Nos.

A208-568-307

A209-001-626

A209-001-627

MEMORANDUM*

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

Submitted December 12, 2023**

Before: WALLACE, LEE, and BUMATAY, Circuit Judges.

Saul Gustavo Carbajal Guevara, Rosalba Yamileth Mendoza de Carbajal,
and their minor child, natives and citizens of El Salvador, petition pro se for review
of the Board of Immigration Appeals' ("BIA") order dismissing their 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 their applications for asylum, and denying Carbajal Guevara and Mendoza de Carbajal’s applications for withholding of removal and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the BIA’s factual findings. *Conde Quevedo v. Barr*, 947 F.3d 1238, 1241 (9th Cir. 2020). We deny the petition for review.

Substantial evidence supports the determination that Carbajal Guevara failed to establish he was or would be persecuted on account of a protected ground. *See Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (an applicant’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”). Thus, Carbajal Guevara’s asylum claim fails. Because Carbajal Guevara failed to establish any nexus at all, he also failed to satisfy the standard for withholding of removal. *See Barajas-Romero v. Lynch*, 846 F.3d 351, 359-60 (9th Cir. 2017).

Because Mendoza de Carbajal does not challenge the dispositive adverse credibility determination, we do not address it. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013). In the absence of credible testimony, in this case, Mendoza de Carbajal’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348, F.3d 1153, 1156 (9th Cir. 2003).

Because Mendoza de Carbajal and Carbajal Guevera failed to establish

eligibility for asylum, their derivative child's asylum claim also fails.

Because Mendoza de Carbajal and Carbajal Guevera do not challenge the denial of CAT protection, we do not address it. *See Lopez-Vasquez*, 706 F.3d at 1079-80.

The temporary stay of removal remains in place until the mandate issues.

PETITION FOR REVIEW DENIED.