

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 16, 2021

Lyle W. Cayce
Clerk

No. 19-60935
Summary Calendar

SIVAMATHAN SIVANATHANAN,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A201 712 869

Before HIGGINBOTHAM, JONES, and COSTA, *Circuit Judges.*

PER CURIAM:*

Sivamathan Sivanathanan, a native and citizen of Sri Lanka, petitions us for review of the denial of his asylum and Convention Against Torture claims. He described experiencing interrogations, death threats, and a

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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beating from security forces who wanted to know the identity of a passenger Sivanathanan transported.

We are not compelled to find that Sivanathanan has fulfilled the elements of his past-persecution asylum claim. He argues before us that the BIA erred by not conducting mixed-motive analysis. As Sivanathanan was found to have proven no elements of his past persecution claim, and offers argument on only one, his claim cannot succeed. *See Matter of A-B-*, 27 I. & N. Dec. 316, 340 (Att’y Gen. 2018).

We are not compelled to find that Sivanathanan has fulfilled the elements of his future persecution asylum claim. First, he offers argument regarding relocation, however, there was no argument regarding the nexus element that was found unfulfilled, so this claim cannot succeed. *See Eduard v. Ashcroft*, 379 F.3d 182, 189-93 (5th Cir. 2004); *see also Cabrera v. Sessions*, 890 F.3d 153, 158-161 (5th Cir. 2018). Second, he argues that the Immigration Judge should have conducted a pattern-of-persecution analysis. The record does not show such an analysis is required. *See Eduard*, 379 F.3d at 192.

We are not compelled to find that Sivanathanan was tortured or reasonably fears torture. The harm he described is not torture. *Chen v. Gonzales*, 470 F.3d 1131, 1139 (5th Cir. 2006). Generalized evidence of torture is not enough for relief. *Morales v. Sessions*, 860 F.3d 812, 818 (5th Cir. 2017). Fear of torture expressed by Sivanathanan is speculative. *Id.*

DENIED.