

United States Court of Appeals for the Fifth Circuit

No. 23-60221
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 14, 2024

Lyle W. Cayce
Clerk

KARLA JANETH MATA,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A209 906 217

Before BARKSDALE, ENGELHARDT, and WILSON, *Circuit Judges.*

PER CURIAM:*

Karla Janeth Mata, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' (BIA) decision dismissing her appeal and affirming the immigration judge's (IJ) denial of: asylum, withholding of removal, and protection under the Convention Against Torture (CAT).

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 23-60221

Our court reviews the BIA’s decision and considers the IJ’s decision only to the extent it influenced the BIA. *E.g.*, *Singh v. Sessions*, 880 F.3d 220, 224 (5th Cir. 2018). The denial of asylum, withholding of removal, and CAT relief are reviewed under the substantial-evidence standard. *E.g.*, *Zhang v. Gonzales*, 432 F.3d 339, 344 (5th Cir. 2005). Under this standard, our court “will accept the BIA’s factual findings unless the evidence is so compelling that no reasonable fact finder could fail to find otherwise”. *Fuentes-Pena v. Barr*, 917 F.3d 827, 829 (5th Cir. 2019) (citation omitted).

Mata contends the BIA erred in finding she was ineligible for asylum and withholding of removal because she failed to establish a nexus between the harms she suffered and her particular social groups. The BIA denied asylum and withholding without reaching the cognizability of her proposed particular social groups—all of which involved women defying gangs’ demands. *See Gonzales-Veliz v. Barr*, 938 F.3d 219, 224 (5th Cir. 2019) (explaining nexus element requires protected ground not “be incidental, tangential, superficial, or subordinate to another reason for harm” (citation omitted)).

The BIA found the gang members who threatened and harassed Mata were motivated by criminal intent. *See, e.g.*, *Vazquez-Guerra v. Garland*, 7 F.4th 265, 270 (5th Cir. 2021) (“Threats or attacks motivated by criminal intentions do not provide a basis for protection.”). Because substantial evidence supports this finding, the BIA did not err in rejecting Mata’s asylum and withholding claims on account of her failure to establish the requisite nexus. *See id.* (finding no nexus when threats and attacks were motivated by criminal intent). Therefore, our court need not consider her remaining contentions on these forms of relief. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”).

No. 23-60221

Additionally, Mata acknowledges her assertion that the nexus standard is more relaxed for a withholding claim is foreclosed in this circuit. *See Vazquez-Guerra*, 7 F.4th at 271 (“The standard for obtaining withholding of removal is even higher than the standard for asylum”). (citation omitted)). She raises the issue to preserve it for possible further review.

Finally, an applicant for CAT relief must show: she more likely than not would suffer torture if returned to her home country; and sufficient state action would be involved in the torture. *E.g., Tamara-Gomez v. Gonzales*, 447 F.3d 343, 350–51 (5th Cir. 2006). Substantial evidence supports the BIA’s finding that Mata failed to establish state action because state authorities’ inability to control gang violence does not constitute government acquiescence. *E.g., Martinez Manzanares v. Barr*, 925 F.3d 222, 229 (5th Cir. 2019). Accordingly, we do not reach whether Mata would be subjected to torture if returned to El Salvador or whether she could relocate there. *See Bagamasbad*, 429 U.S. at 25.

DENIED.