

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 8, 2025

Lyle W. Cayce
Clerk

No. 25-60153
Summary Calendar

JOSE CASTILLO,

Petitioner,

versus

PAMELA BONDI, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A209 310 767

Before BARKSDALE, OLDHAM, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Jose Castillo, a native and citizen of Honduras, petitions for review of the Board of Immigration Appeals' (BIA) dismissing his appeal from an Immigration Judge's (IJ) denying his application for: asylum; withholding of removal; and protection under the Convention Against Torture (CAT). He contends the BIA erred by concluding: there was not a sufficient nexus

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

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between the grounds for his asylum and withholding claims and his membership in a particular social group (PSG); and he was ineligible for protection under CAT.

Our court reviews the BIA's decision and considers the IJ's decision only to the extent it influenced the BIA. *Orellana-Monson v. Holder*, 685 F.3d 511, 517 (5th Cir. 2012). The BIA's factual findings are reviewed for substantial evidence; its legal conclusions, *de novo*. *Id.* Findings of fact, including an applicant's eligibility for asylum, withholding of removal, and relief under CAT, are reviewed under the substantial-evidence standard. *E.g.*, *Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006). Under this standard, our court will not disturb the BIA's decision unless the evidence "compels" a contrary conclusion. *E.g.*, *Revencu v. Sessions*, 895 F.3d 396, 401 (5th Cir. 2018) (emphasis in original) (citation omitted). For the reasons that follow, Costillo fails to meet this standard.

First, he asserts there is a sufficient nexus between his status as, *inter alia*, a law-abiding, wealthy Honduran and extortion he suffered by Honduran gangsters. Because withholding "is a higher standard than asylum", one who fails to show eligibility for the latter fails to qualify for the former. *Efe v. Ashcroft*, 293 F.3d 899, 906 (5th Cir. 2002). The BIA concluded Honduran gangsters attacked and extorted Costillo due to criminal and economic motives, which do not, *inter alia*, establish a sufficient nexus with a requisite PSG as necessary for asylum and withholding. *See 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."); *see also Garcia v. Holder*, 756 F.3d 885, 890 (5th Cir. 2014).

Turning to Costillo's second contention, he asserts generally that he qualifies for protection under CAT. A party seeking such protection must show he more likely than not would be tortured "by a public official, at the

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instigation of a public official, with the consent of a public official, or with the acquiescence of a public official”, if repatriated. *Morales v. Sessions*, 860 F.3d 812, 818 (5th Cir. 2017). The BIA concluded Castillo was ineligible for CAT relief because he did not show a likelihood of being tortured upon repatriation. Castillo, again, and as noted *supra*, fails to show evidence *compelling* a conclusion contrary to the BIA’s. He instead makes only broad assertions of CAT eligibility.

DENIED.