

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 21, 2026

Lyle W. Cayce
Clerk

No. 26-60069
Summary Calendar

BRYAN JAVIER MOLINA CANALES; MADELIN ROCIO SARMIENTO
ALAS; EMILY LETICIA MOLINA SARMIENTO,

Petitioners,

versus

TODD WALLACE BLANCHE, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency Nos. A201 727 572,
A201 727 573, A201 727 574

Before STEWART, RICHMAN, and HIGGINSON, *Circuit Judges.*

PER CURIAM:*

Bryan Javier Molina Canales, his wife, Madelin Rocio Sarmiento Alas, and their daughter, Emily Leticia Molina Sarmiento, natives and citizens of Honduras, petition for review of the decision of the Board of Immigration Appeals (BIA) dismissing an appeal from an immigration judge's (IJ) denial

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

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of protection under the Convention Against Torture (CAT). Although Molina Canales's wife and daughter were derivative beneficiaries of his application for asylum, he does not appeal the agency's denial of that form of relief, and they do not qualify as derivative beneficiaries of his CAT claim. *Rangel v. Garland*, 100 F.4th 599, 610 n.14 (5th Cir. 2024).

The BIA and IJ meaningfully analyzed Molina Canales's claims of past and future death threats and whether governmental authorities had and would acquiesce in his mistreatment if he were repatriated to Honduras. *See Ndifon v. Garland*, 49 F.4th 986, 988 (5th Cir. 2022); *Efe v. Ashcroft*, 293 F.3d 899, 908 (5th Cir. 2002). In particular, the IJ recounted the evidence that Molina Canales presented in detail and sufficiently analyzed his CAT claim to permit meaningful appellate review. The BIA found no error in the IJ's analysis and specifically rejected the arguments that Molina Canales presented in his appellate brief.

Molina Canales has not otherwise shown that the agency erred in determining that he was ineligible for CAT relief. He presents no evidence that anyone in Honduras is looking for him. *See Tibakweitira v. Wilkinson*, 986 F.3d 905, 911-12 (5th Cir. 2021). Notwithstanding his implicit argument to the contrary, the harm he experienced did not rise to the level of torture because he was subjected only to nonimmediate death threats and was never physically harmed. *See Munoz-Granados v. Barr*, 958 F.3d 402, 405, 407-08 (5th Cir. 2020); 8 C.F.R. § 1208.18(a)(1). Further, he cites no evidence that compels the conclusion that he likely would be subjected to mistreatment rising to the level of torture if repatriated. *See* 8 C.F.R. § 1208.18(a)(1). Although his coworker was shot, Molina Canales presented no definitive evidence that his coworker was shot because he worked for the utility company that employed Molina Canales. The evidence does not compel such a finding. *See Morales v. Sessions*, 860 F.3d 812, 818 (5th Cir. 2017).

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Because substantial evidence supports the agency's determination that Molina Canales was not likely to be subjected to harm rising to the level of torture if repatriated, *see Arulnanthy v. Garland*, 17 F.4th 586, 592 (5th Cir. 2021); *Martinez Manzanares v. Barr*, 925 F.3d 222, 228 (5th Cir. 2019), we do not address his arguments regarding governmental acquiescence, *see INS v. Bagamasbad*, 429 U.S. 24, 25 (1976).

The petition for review is DENIED.