NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Argued November 13, 2024
Decided March 25, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-1558

C.N.T.,
Petitioner,

v.

PAMELA J. BONDI, Attorney General
of the United States,
Respondent.*

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

No. A000-000-000

O R D E R

C.N.T., a Guatemalan citizen, petitions for review of the denial of his application for deferral of removal under the Convention Against Torture. C.N.T. fears he will be tortured, and indeed killed, by the Sinaloa Cartel if he is removed to Guatemala. The

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* Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Attorney General Pamela J. Bondi is automatically substituted for former Attorney General Merrick B. Garland as Respondent. In addition, due to the facts underlying his claim, we refer to Petitioner by his initials, C.N.T.

immigration judge (IJ) and Board of Immigration Appeals (Board) both concluded that C.N.T. failed to show that he faced a substantial risk of torture in Guatemala. Because those decisions are supported by substantial evidence, we deny the petition for review.

C.N.T. has been a lawful permanent resident of the United States since 2004. In 2016, he pleaded guilty to conspiracy to distribute methamphetamine, and agreed to cooperate with the government. At the end of C.N.T.'s sentence of incarceration, the Department of Homeland Security took him into custody and initiated removal proceedings. Although C.N.T. conceded his removability, he applied for deferral of removal under the Convention Against Torture. C.N.T. claimed that the Sinaloa Cartel would torture and kill him in Guatemala because of his cooperation and because he owed a debt to the cartel for the value of the drugs confiscated during his arrest.

At a hearing before the IJ, C.N.T. testified that individuals associated with the cartel admonished him not to cooperate and warned that the consequence of talking to authorities would be death. C.N.T. added that the cartel knew about his debt from the arrest and that he feared they would first force him to work to pay it off, and then they would kill him. C.N.T.'s expert witness testified that the cartel frequently tortures and kills cooperators. The expert also explained that the cartel operates in Guatemala and has infiltrated the Guatemalan government. The IJ found C.N.T.'s testimony credible and noted that the expert was "very familiar" with the cartel and knowledgeable about conditions in Guatemala.

After the hearing, the IJ denied C.N.T.'s application. The IJ determined that C.N.T. did not show "that each step in a hypothetical chain of events leading to any future torture is more likely than not to happen." C.N.T. had not established that (1) members of the Sinaloa Cartel will learn that he cooperated with law enforcement, (2) the cartel, which is based in Mexico, will decide to torture him in Guatemala, (3) the cartel will be able to locate him anywhere in Guatemala, and (4) the cartel will torture him with the consent or acquiescence of a public official acting in an official capacity. The IJ concluded that "[w]hile there is a possibility that one or more of these steps could occur, the respondent has not established that each step is more likely than not to occur." The Board affirmed, endorsing the IJ's reasoning and determining that the IJ's findings were not clearly erroneous.

We review the IJ's decision as supplemented by the Board's opinion. *See Tchemkou v. Gonzales*, 495 F.3d 785, 790 (7th Cir. 2007). "Here, the BIA's opinion summarizes and agrees with each of the IJ's rationales," without additional

"independent analysis." *Borovsky v. Holder*, 612 F.3d 917, 920 (7th Cir. 2010). The Board's opinion "contains no express words of adoption, but we do not think that such explicit language is always necessary to incorporate the IJ's decision as part of the agency decision under review." *Id.*

To receive protection under the Convention Against Torture, C.N.T. must demonstrate that it is "more likely than not" that he would be tortured if returned to Guatemala. 8 C.F.R. §1208.16(c)(2); *see also Rodriguez-Molinero v. Lynch*, 808 F.3d 1134, 11336 (7th Cir. 2015) (analyzing whether there is "a substantial risk that a given alien will be tortured if removed from the United States.").

Our review is limited to "the highly deferential substantial evidence test" which requires us to affirm if the IJ and Board's decisions are "supported by reasonable, substantial, and probative evidence on the record considered as a whole and permits us to reverse only if the facts compel the opposite conclusion." *Mabuneza v. Garland*, 16 F.4th 1222, 1226 (7th Cir. 2021) (cleaned up). Every CAT application presents different facts, but here we agree with the IJ and Board that based on the nature of C.N.T.'s claim, it logically follows that he must show that each of four different steps leading to torture are more likely than not to occur. (The steps are not a "test" that applies to all CAT applications, but rather a way of organizing the evidence underpinning C.N.T.'s application.) We further conclude that their findings on at least two of the steps are supported by the record.

Before we get there, we must address C.N.T.'s initial argument that the IJ and Board committed reversible factual error in finding that he was not previously threatened by the cartel. "Under the substantial evidence standard, the agency's 'findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.'" *Meraz-Saucedo v. Rosen*, 986 F.3d 676, 684 (7th Cir. 2021) (quoting *Nasrallah v. Barr*, 590 U.S. 573, 584 (2020)). The record indicates that the cartel threatened C.N.T. with retribution if he cooperated, but there is no evidence that the cartel has currently discovered his cooperation. We see no basis to disagree with the factual finding that "the respondent was generally reminded that cooperation will bring dire consequences as a reminder for him not to cooperate, but he was not specifically and directly threatened as a result of his cooperation." Accordingly, we move on to reviewing the logical steps underlying C.N.T.'s claim.

On the first step—whether members of the cartel will learn that C.N.T. cooperated with law enforcement—we cannot say that the record compels us to

repudiate the IJ and Board's assessment. C.N.T. insisted to the cartel that he would not cooperate, he did not testify in open court, and his criminal case was sealed. Despite these efforts, C.N.T. argues that the cartel will likely deduce his cooperation anyway, citing evidence that cartel-affiliated individuals have inquired about his release date. That is not enough. In the absence of more evidence supporting C.N.T.'s contentions, the standard of review leads us to defer to the IJ and Board's view of the record.

For the third step—whether the cartel would locate C.N.T. anywhere in Guatemala—we again do not have reason to reject the IJ and Board's conclusions. C.N.T. had the burden of showing he faced a substantial risk of torture in Guatemala regardless of where he relocated. *Orellana-Arias v. Sessions*, 865 F.3d 476, 489 (7th Cir. 2017). The record demonstrates that the cartel has Guatemalan contacts, but C.N.T. did not present evidence establishing that the cartel would specifically be able to locate him in Guatemala, nor did C.N.T. argue that there would be no safe place for him anywhere in the country. *See* 8 C.F.R. §1208.16(c)(3)(iii) (requiring the IJ to consider "[e]vidence that the applicant could relocate to a part of the country of removal where he or she is not likely to be tortured"). Aside from C.N.T.'s nationality, the events in the record have only a tenuous connection to Guatemala, which decreases the likelihood that individuals in Guatemala will recognize C.N.T. and report his location to the cartel. We find that the IJ and Board's analysis on this step is supported by substantial evidence in the record.

Because we uphold the IJ and Board's conclusions on the first and third steps, we need not address the second and fourth steps: whether the cartel would in fact decide to single out C.N.T. for torture if it discovered his cooperation, and whether Guatemalan authorities would acquiesce in that torture. Even if the IJ and Board's views on those steps are not supported by substantial evidence, an issue we do not decide, the chain of events leading to a likelihood of torture in this case is still broken in two places, and their overall conclusion remains sound. *See Bernard v. Sessions*, 881 F.3d 1042, 1049 (7th Cir. 2018) ("Even if the IJ erred on this point, however, the error does not require us to grant the petition for review."); *Diaz Mejia v. Garland*, 74 F.4th 896, 898 (7th Cir. 2023) (noting the "broad principle" in CAT cases that it is permissible to avoid discussing issues that are "subordinate to other dispositive issues").

Lastly, we address C.N.T.'s argument that his debt is another reason why the cartel will likely torture him in Guatemala. The record shows that the cartel is aware of C.N.T.'s debt and that the cartel often forces debtors into labor. But in addition to the lack of evidence that the cartel would locate C.N.T., we agree with the IJ and Board's

reasoning that forced labor to pay off a debt (legal or not), without more, is not torture. Much of C.N.T.'s expert witness's testimony assumes that the cartel will view C.N.T. as both a debtor and an informant, and C.N.T. failed to present evidence of anyone tortured or killed in Guatemala specifically because of a debt owed to the cartel.

All in all, C.N.T.'s concern about his risk of torture in Guatemala is understandable but speculative, and does not warrant relief. On the record presented, substantial evidence supports the IJ and Board's decisions, so we are not compelled to grant C.N.T.'s petition for review.

DENIED