

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

September 4, 2009

Charles R. Fulbruge III
Clerk

No. 08-60965
Summary Calendar

LEIDY YAMILETH GAVARRETE,

Petitioner

v.

ERIC H. HOLDER, JR., U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A99 668 164

Before KING, STEWART and HAYNES, Circuit Judges.

PER CURIAM:*

Leidy Yamileth Gavarrete, a native and citizen of El Salvador, petitions this court to review the decision of the Board of Immigration Appeals (BIA) dismissing her appeal from the immigration judge's denial of her application for asylum, withholding of removal, and for relief under the Convention Against Torture (CAT). Gavarrete argues, for the first time in this court, that her claim for asylum and withholding of removal is based on her membership in a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

particular social group: “young females of Central America.” Because Gavarrete did not raise this argument before the BIA, the issue is unexhausted, and this court lacks jurisdiction to consider it. *See Omari v. Holder*, 562 F.3d 314, 317-19 (5th Cir. 2009); *Wang v. Ashcroft*, 260 F.3d 448, 452-53 (5th Cir. 2001); 8 U.S.C. § 1252(d)(1).

Gavarrete does not directly challenge in her petition for review or brief the BIA’s determination that she failed to establish past persecution or a well-founded fear of persecution on account of a statutorily protected ground. Rather, she concedes that she did not argue before the BIA or IJ that she was a member of the particular social group consisting of “young females of Central America.” She also does not challenge the BIA’s determination that she had waived any claim for relief under the CAT. Gavarrete has abandoned these issues by failing to brief them. *Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).

Accordingly, Gavarrete’s petition for review is DENIED in part and DISMISSED in part for lack of jurisdiction.