

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

United States Court of Appeals  
Fifth Circuit

**FILED**  
May 28, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 09-60625

Summary Calendar  
\_\_\_\_\_

FRANCISCO ANTONIO HERRERA-VELASQUEZ,

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. A088 651 683  
\_\_\_\_\_

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:\*

Petitioner Francisco Herrera-Velasquez (“Petitioner”), a native and citizen of El Salvador, petitions for review of an order of the Board of Immigration Appeals (BIA) dismissing his appeal from an Immigration Judge’s order denying Petitioner’s request for asylum and withholding of removal. Herrera-Velasquez contends that he is entitled to asylum and withholding of removal because of the likelihood of future persecution for his membership in a particular social group.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Petitioner does not challenge the BIA's determination that his asylum application was untimely. As he has not attempted to identify a constitutional or legal issue with regard to the timeliness of his asylum application, we lack jurisdiction to consider the issue. *Zhu v. Gonzales*, 493 F.3d 588, 594-95 (5th Cir. 2007).

We review the BIA's determination that Petitioner is not eligible for withholding of removal under the substantial evidence standard, viz., we will affirm "unless the evidence compels a contrary conclusion." *Efe v. Ashcroft*, 293 F.3d 899, 903 (5th Cir. 2002); *Carbajal-Gonzalez v. INS*, 78 F.3d 194, 197 (5th Cir. 1996).

Substantial evidence supports the BIA's determination that Petitioner is not a member of a particular social group that is subject to persecution. He seeks withholding of removal based on his status as a young Salvadoran male and his membership in a group of persons who are targeted by Salvadoran gangs for persecution based on the perception that they have the financial ability to pay extortion. His status as a young Salvadoran male who does not belong to a gang is too generalized to identify him as a member of a particular social group. *See Matter of S-E-G-*, 24 I.&N. Dec. 579, 582-84 (BIA 2008). He has not described the group of Salvadorans allegedly subject to extortion in a manner that would allow the group to be recognized as a discrete class of persons. *Id.* at 584; *In re A-M-E- & J-G-U-*, 24 I.&N. Dec. 69, 73-76 (BIA 2007).

Accordingly, the petition for review is  
DENIED.