

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

No. 16-60844
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
February 20, 2018

Lyle W. Cayce
Clerk

GERMAN I. AVILA, also known as German Avila, also known as Peewee,

Petitioner

v.

JEFFERSON B. SESSIONS, III, U.S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A043 429 100

Before REAVLEY, PRADO, and GRAVES, Circuit Judges.

PER CURIAM:*

German I. Avila has petitioned for review of the decision of the Board of Immigration Appeals (BIA) dismissing his appeal from the decision of the Immigration Judge (IJ) denying his applications for asylum, withholding of removal, and for relief under the Convention Against Torture (CAT).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Avila does not challenge the IJ's determination that he failed to establish a right to CAT relief. Thus, that question is abandoned. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).

Although Avila does not dispute that his asylum application was untimely, he contends that the untimeliness resulted from ineffective assistance of counsel. Because Avila failed to exhaust his claim of ineffective assistance of counsel, we lack jurisdiction to consider it. *See Claudio v. Holder*, 601 F.3d 316, 318 (5th Cir. 2010). The petition for review is DISMISSED IN PART.

Avila asserts that the BIA erred in denying his request for withholding of removal because he had not shown a clear probability that his life or freedom would be threatened on account of membership in a particular social group consisting of young Salvadoran males who spent the majority of their lives in the United States and are perceived to be gang members by the Salvadoran government because of their extensive tattoos. The BIA's determination was supported by substantial evidence. *See Orellana-Monson v. Holder*, 685 F.3d 511, 519-22 (5th Cir. 2012). The petition for review is DENIED IN PART.