

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 24, 2020

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 19-60033

Summary Calendar  
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ROSA MARLENE ORTIZ-CARPIO; ROCIO VALENTINA URQUILLA-  
ORTIZ; MILTON WILFREDO ORTIZ-CARPIO,

Petitioners

v.

WILLIAM P. BARR, U. S. ATTORNEY GENERAL,

Respondent  
\_\_\_\_\_

Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A208 759 336  
BIA No. A208 759 337  
BIA No. A208 759 338  
\_\_\_\_\_

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Rosa Marlene Ortiz-Carpio and her derivative beneficiaries, Rocio Valentina Urquilla-Ortiz and Milton Wilfredo Ortiz-Carpio, petition for review of the decision of the Board of Immigration Appeals (BIA) dismissing the appeal from the decision of the immigration judge (IJ) denying the application

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 19-60033

for asylum and withholding of removal. Ortiz-Carpio argues that the BIA erred in finding that she failed to establish past persecution on account of a protected ground. She argues that gang members persecuted her family and that she suffered emotional and psychological harm from the persecution of her children.

We “review only the BIA’s decision, . . . unless the IJ’s decision has some impact on” that decision. *Wang v. Holder*, 569 F.3d 531, 536 (5th Cir. 2009). Factual findings are reviewed under the substantial evidence standard, and legal questions are reviewed de novo. *Rui Yang v. Holder*, 664 F.3d 580, 584 (5th Cir. 2011). Under the substantial evidence standard, the petitioner must show that “the evidence is so compelling that no reasonable factfinder could reach” a conclusion contrary to the petitioner’s position. *Orellana-Monson v. Holder*, 685 F.3d 511, 518 (5th Cir. 2012) (internal quotation marks and citation omitted).

The findings that Ortiz-Carpio was not subjected to past persecution on account of a protected ground are supported by substantial evidence. See *Orellana-Monson*, 685 F.3d at 518; *Kane v. Holder*, 581 F.3d 231, 239 (5th Cir. 2009); *Tesfamichael v. Gonzales*, 469 F.3d 109, 116 (5th Cir. 2006). She has abandoned any challenge to the finding that she failed to establish a well-founded fear of future persecution. See *Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003). Thus, Ortiz-Carpio has not shown that the agency erred in concluding that she was not entitled to asylum. See *Wang*, 569 F.3d at 536. Because Ortiz-Carpio failed to show that she is entitled to relief in the form of asylum, the BIA correctly determined that she cannot establish entitlement to withholding of removal, which requires a higher burden of proof. See *Dayo v. Holder*, 687 F.3d 653, 658-59 (5th Cir. 2012).

Accordingly, the petition for review is DENIED.