

United States Court of Appeals for the Fifth Circuit

No. 23-60057
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 14, 2023

Lyle W. Cayce
Clerk

JOSE RAUL LOPEZ-GALEAZ,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A077 620 182

Before HIGGINBOTHAM, STEWART, and SOUTHWICK, *Circuit
Judges.*

PER CURIAM:*

Jose Raul Lopez-Galeaz, a native and citizen of Honduras, petitions for review of the decision of the Board of Immigration Appeals (BIA) upholding the immigration judge's denial of cancellation of removal, withholding of removal, and protection under the Convention Against Torture (CAT). We review the BIA's decision and consider the immigration

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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judge's decision only to the extent it influenced the BIA. *See Santos-Alvarado v. Barr*, 967 F.3d 428, 436 (5th Cir. 2020).

We lack jurisdiction to review Lopez-Galeaz's challenge to the hardship finding with regard to cancellation of removal. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Castillo-Gutierrez v. Garland*, 43 F.4th 477, 481 (5th Cir. 2022). Because the issue of hardship is dispositive in establishing his ineligibility for cancellation of removal, we do not reach his argument concerning continuous physical presence in the United States. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976).

As to withholding of removal, the BIA upheld the immigration judge's finding on nexus and alternatively deemed that the issue of nexus was waived because Lopez-Galeaz did not challenge it. An applicant's failure to demonstrate nexus is dispositive for withholding of removal. *See Gonzales-Veliz v. Barr*, 938 F.3d 219, 224 (5th Cir. 2019). Lopez-Galeaz does not contest the BIA's waiver ruling here and therefore has waived any such challenge in this court. *See Chambers v. Mukasey*, 520 F.3d 445, 448 n.1 (5th Cir. 2008). The BIA's waiver determination is a sufficient basis on which to deny the petition for review as to withholding of removal. *See Santos-Alvarado*, 967 F.3d at 440 n.13. Accordingly, the petition for review is denied regarding withholding of removal.

Lopez-Galeaz also does not dispute the BIA's determination that he waived the issue of CAT relief in the BIA by failing to challenge it there. *See Chambers*, 520 F.3d at 448 n.1. Thus, the petition for review is also denied regarding CAT relief.

For the foregoing reasons, the petition for review is DISMISSED in part for lack of jurisdiction and DENIED in all other respects.