

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

No. 18-60679
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 30, 2019

Lyle W. Cayce
Clerk

BLADIMIR GUARDADO PASTRAN,

Petitioner

v.

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

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A205 911 863

Before BARKSDALE, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Bladimir Guardado Pastran, a native and citizen of El Salvador, petitions for review of the September 2018 decision of the Board of Immigration Appeals (BIA) which dismissed his appeal from the immigration judge's (IJ) September 2017 decision denying his application seeking relief in the form of withholding of removal and protection under the Convention Against Torture (CAT). The IJ and BIA determined Pastran: did not show past persecution;

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

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was not part of a particular cognizable social group (he claims his group consists of “bus drivers (quasi-public transportation employees) [who] have been singled out by the Mara gangs and [who] are not provided protection by the police”); was not persecuted on account of his membership in that claimed group; and did not show a clear probability of future persecution. Regarding his CAT claim, the IJ and BIA found there was no evidence he would be tortured with the acquiescence of the Salvadoran government if returned to El Salvador.

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) (citation omitted). Factual findings are reviewed under the substantial-evidence standard; legal questions, *de novo*. *Rui Yang v. Holder*, 664 F.3d 580, 584 (5th Cir. 2011). Under the substantial-evidence standard, petitioner must show “the evidence is so compelling that no reasonable factfinder could reach” a conclusion contrary to petitioner’s position. *Orellana-Monson v. Holder*, 685 F.3d 511, 518 (5th Cir. 2012) (internal quotation marks and citation omitted).

Pastran presented evidence he was repeatedly threatened by gang members, and they took the money he earned as a bus driver. He also presented evidence two transportation employees had been killed for resisting the gangs’ extortion tactics. Although he was held at gunpoint on one occasion, Pastran was never physically harmed.

The IJ’s and BIA’s findings that Pastran was not subjected to past persecution due to his membership in a particular social group and that he did not establish a clear probability of future persecution are supported by substantial evidence. *See Castillo-Enriquez v. Holder*, 690 F.3d 667, 668 (5th Cir. 2012); *Mwembie v. Gonzales*, 443 F.3d 405, 414–15 (5th Cir. 2006); *Eduard v. Ashcroft*, 379 F.3d 182, 189, 193–94 (5th Cir. 2004). Likewise, for his CAT

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claim, the finding that he failed to show it was more likely than not he would be tortured if returned to El Salvador is supported by such evidence. *See Hakim v. Holder*, 628 F.3d 151, 155 (5th Cir. 2010).

DENIED.