United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
January 11, 2022
Lyle W. Cayce
Clerk

No. 20-60812
Summary Calendar

MIGUEL ENRIQUE ATENCIO URDANETA,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A206 927 246

Before HIGGINBOTHAM, HIGGINSON, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

Miguel Enrique Atencio Urdaneta, a native and citizen of Venezuela, petitions for review of the Board of Immigration Appeals' (BIA) dismissal of his appeal from the Immigration Judge's (IJ) denial of his applications for asylum, withholding of removal, and protection under the Convention

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

Against Torture (CAT). He argues that he fears returning to Venezuela because the Venezuelan government "is corrupt and failure to go along with this corrupt dictatorship makes it inevitable that it is more probable than not that he will be harmed due to his opposition to the government." He contends that he has a "subjective and objective belief" that he "will be harmed" because his father was kidnapped and his son was robbed in Venezuela.

We review only the BIA's decision, "unless the IJ's decision has some impact on the BIA's decision." *Wang v. Holder*, 569 F.3d 531, 536 (5th Cir. 2009). Whether an alien has demonstrated eligibility for asylum, withholding of removal, or CAT relief is a factual determination that this court reviews for substantial evidence. *Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006); 8 U.S.C. § 1252(b)(4)(B). "Under the substantial evidence standard, reversal is improper unless we decide not only that the evidence supports a contrary conclusion, but also that the evidence *compels* it." *Chen*, 470 F.3d at 1134 (internal quotation marks and citations omitted); § 1252(b)(4)(B).

In connection with his application for asylum, Atencio Urdaneta does not address the BIA's finding that the harms that he claimed to have suffered in Venezuela rose to the level of persecution. *See Majd v. Gonzales*, 446 F.3d 590, 595 (5th Cir. 2006); 8 C.F.R. § 1208.13(b)(1). He also fails to address the BIA's reasons for finding that he did not have a well-founded fear of future persecution. *See Zhao v. Gonzales*, 404 F.3d 295, 307 (5th Cir. 2005); *see also* § 1208.13(b)(2)(ii). Thus, he has abandoned any challenge to those determinations. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003); *see also Beasley v. McCotter*, 798 F.2d 116, 118 (5th Cir. 1986). Because Atencio Urdaneta fails to address those issues, which are dispositive of his asylum claim, we do not need to address any other asylum-related arguments raised in his petition for review. *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976). He does not show that the BIA's dismissal of his asylum claim is

unsupported by substantial evidence or that the evidence compels a contrary result. *See Chen*, 470 F.3d at 1134.

Because Atencio Urdaneta fails to establish his eligibility for asylum, he "is necessarily also unable to establish an entitlement to withholding of removal." *Dayo v. Holder*, 687 F.3d 653, 658-59 (5th Cir. 2012) (internal quotation marks and citation omitted). Finally, in connection with his CAT claim, Atencio Urdaneta's conclusory assertion that the Venezuelan government cannot protect its citizens does not suffice to show error in the BIA's finding that he failed to establish that it is more likely than not that he would be tortured upon his return to Venezuela by or with the acquiescence of a government official. *See* 8 C.F.R. § 1208.18(a)(1), (7). Accordingly, he has failed to carry his burden of showing entitlement to relief under the CAT. *See* § 1208.18(a)(1), (7).

The petition for review is DENIED.