

United States Court of Appeals for the Fifth Circuit

No. 24-60250
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 14, 2025

Lyle W. Cayce
Clerk

KATHERINE JOHANI ORTIZ-SANCHEZ,

Petitioner,

versus

PAMELA BONDI, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A201 709 914

Before GRAVES, WILLETT, and WILSON, *Circuit Judges.*

PER CURIAM:*

Katherine Johani Ortiz-Sanchez, a native and citizen of Honduras, petitions for review of a decision by Board of Immigration Appeals (BIA) affirming an immigration judge's (IJ) denial of asylum and withholding of removal.¹ We do not consider her arguments regarding laws protecting

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

¹ Ortiz-Sanchez's minor children, both natives and citizens of Honduras, were listed as derivative beneficiaries in her asylum application. Ortiz-Sanchez's children were

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witnesses because they were not presented to the IJ and the BIA refused to consider them. *See Santos-Alvarado v. Barr*, 967 F.3d 428, 440 n.13 (5th Cir. 2020); *Matter of W-Y-C- & H-O-B-*, 27 I. & N. Dec. 189, 190 (BIA 2018).

This court reviews the BIA's decision and considers the IJ's decision only to the extent it influenced the BIA. *Orellana-Monson v. Holder*, 685 F.3d 511, 517 (5th Cir. 2012). Legal questions are generally reviewed de novo. *Id.* The BIA's factual determination that an individual is not eligible for asylum, withholding of removal, or CAT relief is reviewed under the substantial evidence standard. *Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006). Under that standard, "[t]he petitioner has the burden of showing that the evidence is so compelling that no reasonable factfinder could reach a contrary conclusion." *Orellana-Monson*, 685 F.3d at 518 (internal quotation marks and citation omitted).

Before the BIA, Ortiz-Sanchez claimed membership in particular social groups (PSGs) comprised of informants and witnesses and victims of crime committed by gangs and other organized criminal groups. The BIA concluded that these groups were not socially distinct because members' cooperation with law enforcement was not public, as is required under *Matter of H-L-S-A-*, 28 I. & N. Dec. 228, 237 (BIA 2021). It also cited opinions of this court, which held that PSGs comprised of former informants and people who cooperated with the United States government were not socially distinct and a case that held that members of a PSG comprised of "non-criminal witnesses who reported crimes" were not readily identifiable.

Ortiz-Sanchez did not testify at a public proceeding or otherwise engage in any activities that would make the public aware of her complaints

not identified in the BIA's order dismissing her appeal or the petition for review. Accordingly, we refer to Ortiz-Sanchez only.

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to law enforcement. Accordingly, the BIA did not err in finding her proposed PSGs noncognizable under on *Matter of H-L-S-A-* and this court's precedent finding that similar PSGs were not socially distinct; she thus fails to satisfy the substantial evidence standard. *See Hernandez-De La Cruz v. Lynch*, 819 F.3d 784, 786 (5th Cir. 2016); *Matter of H-L-S-A-*, 28 I. & N. Dec. at 237; *see also Orellana-Monson*, 685 F.3d at 518.

Ortiz-Sanchez's failure to identify a cognizable PSG is dispositive of her asylum and withholding claims. *See Orellana-Monson*, 685 F.3d at 522. Accordingly, we need not consider her remaining arguments as to these forms of relief. *See Munoz-De Zelaya*, 80 F.4th 689, 693-94 (5th Cir. 2023); *Chun v. INS*, 40 F.3d 76, 79 (5th Cir. 1994). The petition for review is DENIED, and the Respondent's motion for summary affirmance is DENIED as moot.