

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 5, 2022

Lyle W. Cayce
Clerk

No. 20-60466
Summary Calendar

ANA PEREZ-RAMIREZ; MISHEL PEREZ-RAMIREZ,

Petitioners,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A208 198 692
BIA No. A208 198 693

Before DAVIS, JONES, and ELROD, *Circuit Judges.*

PER CURIAM:*

Ana Perez-Ramirez (Perez-Ramirez) and her daughter and derivative beneficiary Mishel Perez-Ramirez, natives and citizens of Guatemala, petition for review of an order by the Board of Immigration Appeals (BIA)

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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dismissing their appeal from the denial by the Immigration Judge (IJ) of their applications for asylum and withholding of removal. They do not challenge the BIA's denial of protection under the Convention Against Torture and have therefore abandoned that claim. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).

We review the decision of the BIA and will consider the IJ's decision only to the extent it influenced the BIA. *Shaikh v. Holder*, 588 F.3d 861, 863 (5th Cir. 2009). We review questions of law de novo and factual findings for substantial evidence. *Id.* Under the substantial evidence standard, “[t]he alien must show that the evidence was so compelling that no reasonable factfinder could conclude against it.” *Wang v. Holder*, 569 F.3d 531, 537 (5th Cir. 2009).

The petitioners challenge the findings by the IJ and BIA that the Guatemalan government was not unwilling or unable to protect Perez-Ramirez from persecution. In circumstances where, as here, an applicant for asylum or withholding of removal alleges that she has been persecuted or fears persecution by a private actor, the applicant must show that the government is unable or unwilling to control the private actor. *See Adebisi v. INS*, 952 F.2d 910, 914 (5th Cir. 1992). An applicant seeking to establish persecution based on violent conduct of a private actor must show that the government either condoned the private actions or was completely helpless to protect the victim. *See Shehu v. Gonzales*, 443 F.3d 435, 437 (5th Cir. 2006); *see also Gonzales-Veliz v. Barr*, 938 F.3d 219, 233 (5th Cir. 2019).

The record reflects that the police arrested Perez-Ramirez's partner after he beat her and that a Guatemalan court issued a restraining order against him. Evidence presented by Perez-Ramirez that the courts and the police would not take action against her partner only weighs against the BIA's conclusion and does not compel a contrary result. *See Wang*, 569 F.3d at 537.

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Accordingly, substantial evidence supports the finding that the Guatemalan government was not unable or unwilling to protect Perez-Ramirez, and, thus, the petitioners were ineligible for asylum. *See Sharma v. Holder*, 729 F.3d 407, 411 (5th Cir. 2013); *Wang*, 569 F.3d at 536-37.

Because the petitioners failed to satisfy the standard for obtaining asylum, they were unable to meet the more stringent burden for obtaining withholding of removal. *See Dayo v. Holder*, 687 F.3d 653, 658-59 (5th Cir. 2012).

Accordingly, their petition for review is DENIED.