

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. 21-60058
Summary Calendar

DUNIAN SUJY LOPEZ-RIVERA; YEREME VALDEMAR LOPEZ-
RIVERA,

Petitioners,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A202 006 259
BIA No. A202 006 260

Before KING, COSTA, and HO, *Circuit Judges.*

PER CURIAM:*

Dunian Sujoy Lopez-Rivera and her derivative beneficiary, Yereme Valdemar Lopez-Rivera, are natives and citizens of Guatemala. They petition for review of the decision of 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* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-60058

dismissing their appeal of the denial by an Immigration Judge (IJ) of their application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). They argue that the BIA erred in affirming the IJ's finding that they failed to show a nexus between the alleged persecution and Lopez-Rivera's membership in the asserted particular social group (PSG) consisting of Guatemalan female heads of household. They have abandoned, for failure to brief, any challenge to the BIA's determination that they waived any claim for CAT relief. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).

We review the BIA's decision and will also consider the IJ's ruling to the extent it affects the BIA's decision. *Wang v. Holder*, 569 F.3d 531, 536 (5th Cir. 2009). We review factual findings for substantial evidence and legal questions de novo. *Iruegas-Valdez v. Yates*, 846 F.3d 806, 810 (5th Cir. 2017). Under substantial evidence review, reversal is improper unless we conclude "not only that the evidence supports a contrary conclusion, but also that the evidence *compels* it." *Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006) (internal quotation marks and citation omitted).

We disagree with the petitioners' assertion that the BIA erred in affirming the lack-of-nexus finding without analyzing the cognizability of the proposed PSG. *See Vazquez-Guerra v. Garland*, 7 F.4th 265, 268-69 (5th Cir. 2021), *petition for cert. filed* (U.S. Oct. 27, 2021) (No. 21-632). Also, substantial evidence supports the BIA's conclusion that Lopez-Rivera was not persecuted on account of her status as a female head of household. *See Ramirez-Mejia v. Lynch*, 794 F.3d 485, 493 (5th Cir. 2015); *Ontunez-Tursios v. Ashcroft*, 303 F.3d 341, 350 (5th Cir. 2002).

Accordingly, the petition for review is DENIED.