

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 29, 2022

Lyle W. Cayce
Clerk

No. 22-60093
Summary Calendar

ROXANNA YAMILETH COSME-RAMOS; MICHAEL ALEXANDER
COSME,

Petitioners,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A087 515 088
Agency No. A087 515 089

Before BARKSDALE, ELROD, and HAYNES, *Circuit Judges.*

PER CURIAM:*

Roxanna Yamileth Cosme-Ramos, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' (BIA) dismissing

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.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. 22-60093

her appeal from an order of an Immigration Judge (IJ) denying her application for asylum, withholding of removal, and relief under the Convention Against Torture (CAT). (Her minor son is a derivative applicant on her asylum application.) She asserts she showed eligibility for asylum and withholding of removal by establishing past persecution and a nexus between the harm alleged and a protected ground. (She does not contest the denial of her CAT claim.)

Because Cosme failed to challenge in the BIA the IJ's determination she had not shown Salvadoran government officials unable or unwilling to control her persecutors, our court lacks jurisdiction for her challenges concerning this determination. *Martinez-Guevara v. Garland*, 27 F.4th 353, 360 (5th Cir. 2022) (explaining petitioner must administratively exhaust claims by presenting them to BIA); 8 U.S.C. § 1252(d)(1) (judicial review of orders of removal). And, the unexhausted determination's being an essential element of her claims for relief, our court need not consider her persecution and nexus challenges because the lack of any essential element is fatal to the claim. *E.g., Jaco v. Garland*, 24 F.4th 395, 406–07 (5th Cir. 2021) (“Applicants for asylum or withholding of removal must show that the government is unable or unwilling to control the applicant’s persecution.” (citation omitted)); *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting “[a]s a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach”).

DISMISSED IN PART; DENIED IN PART.