United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
November 4, 2026
Thomas B. Plunkett, III
Clerk

No. 25-60582
Summary Calendar

J. R.,

Petitioner,

versus

TODD WALLACE BLANCHE, *U.S. Attorney General*,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. AXXX XXX 392

Before ELROD, *Chief Judge*, and WILSON and DOUGLAS, *Circuit Judges*.

PER CURIAM:[*]

J.R., a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals (BIA) decision affirming the Immigration Judge's (IJ) denying his application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT).

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

First, J.R. challenges the agency's finding that the following proposed particular social groups were not cognizable : (1) Salvadorans falsely accused of membership in gangs; (2) Salvadorans with imputed gang membership; (3) Salvadorans with tattoos; (4) Salvadorans who have criminal records; and (5) Salvadorans named on a list or database of suspected gang members. J.R. has not shown or cited any evidence compelling a conclusion contrary to those of the agency on these groups. *See Gonzales-Veliz v. Barr*, 938 F.3d 219, 229 (5th Cir. 2019); *Zhang v. Gonzales*, 432 F.3d 339, 344 (5th Cir. 2005).

Second, J.R. asserts the BIA erred in affirming the IJ's denial of CAT protection. Specifically, he contends the agency: (1) failed to consider evidence regarding his past torture, testimony by an expert witness, the lack of investigation by the Salvadoran government into prison conditions and torture, and country conditions reports; (2) applied incorrect legal standards; (3) relied on caselaw that was not analogous or incorrectly decided; and (4) did not consider the evidence in the aggregate. J.R. further avers that there was insubstantial evidence to support the BIA's conclusion that he will not suffer future torture upon his return to El Salvador.

J.R. has not shown that the agency failed to consider or address any evidence fully, apply legal standards correctly, or rely on caselaw in an applicable manner. *See Fuentes-Pineda v. Bondi*, 170 F.4th 914, 917-20 (5th Cir. 2026); *L.N. v. Garland*, 109 F.4th 389, 396 (5th Cir. 2024). In addition, he fails to show there was not substantial evidence supporting the agency's finding that J.R. would not suffer future torture if he returned to El Salvador. *See Zhang*, 432 F.3d at 344.

Finally, J.R. contends the BIA abused its discretion in not addressing his motion to remand for the IJ to consider new evidence. Contrary to the Government's assertion, J.R. exhausted this issue before the BIA. *See Omari v. Holder*, 562 F.3d 314, 321-22 (5th Cir. 2009), *abrogated on other grounds by*

Santos-Zacaria v. Garland, 598 U.S. 411 (2023). Our review shows no error in the BIA's failure to consider his motion to remand, as claims not explicitly considered are considered to have been implicitly denied. *See Soffar v. Dretke*, 368 F.3d 441, 470 (5th Cir. 2004) (en banc).

The petition for review is DENIED.