

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 28, 2026

Lyle W. Cayce
Clerk

No. 26-60153
Summary Calendar

MIRIAN ANABEL ROBLES-ZUNIGA,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A201 403 129

Before KING, HIGGINSON, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Mirian Anabel Robles-Zuniga, a native and citizen of Honduras, petitions for review of a decision of the Board of Immigration Appeals (BIA) dismissing her appeal from an immigration judge's (IJ) denial of 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.

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The BIA concluded that Robles-Zuniga's proposed particular social group (PSG) comprised of Honduran women was not cognizable because it lacked particularity. Further, it held that her proposed PSGs of abandoned women in Honduras, single and unprotected women in Honduras, and single and unprotected mothers with children in Honduras were not cognizable because they lacked particularity and social distinction. As support, it cited this court's decisions in *Jaco v. Garland*, 24 F.4th 395, 407 (5th Cir. 2021), and *Gonzales-Veliz v. Barr*, 938 F.3d 219, 228 (5th Cir. 2019).

Robles-Zuniga's counseled brief does not acknowledge the BIA's reliance upon these authorities and instead argues that the IJ erred in relying on unpublished opinions by this court and decisions of this court's sister circuits in holding that her proposed PSGs were not cognizable. However, this court considers the IJ's decision only to the extent that it influenced the BIA, *Orellana-Monson v. Holder*, 685 F.3d 511, 517 (5th Cir. 2012), and, here, the BIA cited binding Fifth Circuit precedent in support of its decision dismissing Robles-Zuniga's appeal.

In any event, the BIA properly rejected her proposed PSGs based on our decisions in *Jaco*, 24 F.4th at 407; *Gonzales-Veliz*, 938 F.3d at 232,¹ which rejection is dispositive of her claims for asylum and withholding of removal, *see Orellana-Monson*, 685 F.3d at 522. Accordingly, we need not consider her argument that the agency erred in finding that she failed to establish the requisite nexus between the harms she suffered and feared and her proposed

¹ Because we may uphold the BIA's cognizability determination whether we review it de novo or for substantial evidence, we need not decide whether the Supreme Court's recent decision in *Urias-Orellana v. Bondi*, 146 S. Ct. 845, 848, 851 (2026), abrogated this court's holding in *Hernandez-De La Cruz v. Lynch*, 819 F.3d 784, 786 (5th Cir. 2016), that the cognizability of a proposed PSG is a legal issue subject to de novo review.

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PSGs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976); *Munoz-De Zelaya v. Garland*, 80 F.4th 689, 693-94 (5th Cir. 2023).

Regarding her claim for protection under the CAT, as the BIA and IJ found, Robles-Zuniga's testimony failed to demonstrate that the Honduran government would acquiesce to any torture. *See Martinez Manzanares v. Barr*, 925 F.3d 222, 228 (5th Cir. 2019). When she reported to the police that her son's great-uncle attempted to attack her, the police responded by picking him up and holding him for 24 hours. While she argues that the government's failure to secure a conviction establishes governmental acquiescence, it does not "constitute sufficient state action for purposes" of the CAT under this court's precedent. *Tamara-Gomez v. Gonzales*, 447 F.3d 343, 351 (5th Cir. 2006). Additionally, "potential instances of violence committed by non-governmental actors against citizens, together with speculation that the police might not prevent that violence, are generally insufficient to prove government acquiescence." *Garcia v. Holder*, 756 F.3d 885, 892 (5th Cir. 2014). Thus, substantial evidence supports the BIA's denial of relief under the CAT. *See Zhang*, 432 F.3d at 344. Because the failure to establish the requisite state action is dispositive of Robles-Zuniga's claim for protection under the CAT, *see Martinez Manzanares*, 925 F.3d at 228, we need not consider her remaining arguments as to this form of relief, *see Bagamasbad*, 429 U.S. at 25; *Munoz-De Zelaya*, 80 F.4th at 693-94.

The petition for review is DENIED.