

JUN 14 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NILSON HERNEY VALENCIA-
RIASCOS,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 09-70384

Agency No. A089-246-582

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted June 8, 2010
Seattle, Washington

Before: CANBY, CALLAHAN and IKUTA, Circuit Judges.

Nilson Herney Valencia-Riascos, a citizen of Colombia, petitions for review of an order of the Board of Immigration Appeals (“BIA”) summarily dismissing his appeal from an immigration judge’s (“IJ”) denial of his application for asylum, withholding of removal, and relief under the Convention Against Torture.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Valencia-Riascos challenges the IJ's finding that he was ineligible for asylum because he failed to establish a nexus between his feared persecution and his membership in a particular social group consisting of the family members of his step-father. Valencia-Riascos's *pro se* Notice of Appeal to the BIA, however, even construed liberally, *see, e.g., Barron v. Ashcroft*, 358 F.3d 674, 676 n.4 (9th Cir. 2004), provided the agency no notice that he was appealing the IJ's particular social group finding. Valencia-Riascos's failure to raise the particular social group issue before the BIA constitutes a failure to exhaust administrative remedies, depriving us of jurisdiction to entertain the claims raised in Valencia-Riascos's petition for review. *Cordon-Garcia v. INS*, 204 F.3d 985, 988 (9th Cir. 2000); *see also Barron*, 358 F.3d at 678. The petition for review is, accordingly,

DISMISSED.