

JUN 23 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DANIEL DE JESUS SALAMANCA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-71569

Agency No. A095-791-992

MEMORANDUM*

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

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

Daniel de Jesus Salamanca, a native and citizen of El Salvador, petitions pro se for review of the decision of the Board of Immigration Appeals, affirming the immigration judge's denial of his application for withholding of removal, and the pretermission of the asylum application for untimeliness.

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

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Salamanca contends that he suffered past persecution, and fears future persecution because his uncle killed petitioner's father in a dispute over land, and threatened to kill petitioner after the uncle was released from prison. The record does not compel the conclusion that Salamanca was persecuted or feared persecution on account of a protected ground. Salamanca's asylum claim was pretermitted as untimely, and his withholding claim fails because petitioner failed to establish any nexus between the claimed persecution and a protected ground for purposes of withholding of removal. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482-83 (1992).

We lack jurisdiction to consider Salamanca's claim raised for the first time on appeal, that his family constituted a social group, because petitioner failed to administratively exhaust the claim. *See Barron v. Ashcroft*, 358 F.3d 674, 677 (9th Cir. 2004).

PETITION FOR REVIEW DENIED IN PART; DISMISSED IN PART.