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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HASAN FERO; ZUMRUT FERO,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-71218

Agency Nos.      A099-580-340  
                                 A099-580-344

MEMORANDUM\*

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

Argued and Submitted March 8, 2013  
Seattle, Washington

Before: W. FLETCHER, RAWLINSON, and EBEL,\*\* Circuit Judges.

Petitioners Hasan and Zumrut Fero challenge the BIA’s denial of  
withholding of removal and CAT relief.

1. The Feros did not challenge the BIA’s denial of their CAT claims in

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

\*\* The Honorable David M. Ebel, Senior Circuit Judge for the U.S.  
Court of Appeals for the Tenth Circuit, sitting by designation.

their opening brief and therefore their challenge is waived. *See Castro-Martinez v. Holder*, 674 F.3d 1073, 1082-83 (9th Cir. 2011) (petitioner waived challenge to denial of CAT relief by not raising it in his opening brief).

2. The Feros did not exhaust the argument that their family constituted a social group and therefore this court lacks jurisdiction to review it. *See Lee v. Holder*, 599 F.3d 973, 976 (9th Cir. 2010) (citing 8 U.S.C. § 1252(d)(1)).

3. Substantial evidence supports the BIA's finding that the Feros were not persecuted on account of their membership in a social group. The Feros' purported social group—business owners who are indebted to the Turkish mafia—lacks both the social visibility and particularity to render it a social group. Apart from the fact that such individuals owe money to the mafia, there is no immutable characteristic or voluntary relationship tying them together. *See Ochoa v. Gonzales*, 406 F.3d 1166, 1170-71 (9th Cir. 2005) (holding that Colombian business owners who rejected demands by drug-traffickers to engage in illicit activity were not a social group because they were not bound by a voluntary relationship or innate characteristic).

**PETITION DENIED.**