

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 28 2014

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

EDWIN LEONARDO MIDENCE-
MARTINEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-70389

Agency No. A098-797-112

MEMORANDUM*

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

Submitted May 22, 2014**
Pasadena, California

Before: PREGERSON, BERZON, and CHRISTEN, Circuit Judges.

Edwin Leonardo Midence-Martinez petitions for review of the Board of Immigration Appeals' ("BIA") denial of his application for asylum and

* 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).

withholding of removal, as well as its rejection of his motion to remand. We grant the petition and remand.

Midence sought asylum and withholding of removal based on persecution on account of his membership in a particular social group consisting of young men from Honduras who refused to join gangs. *See* 8 U.S.C. §§ 1101(a)(42)(A), 1231(b)(3)(A). He also moved the BIA to remand his case to the Immigration Judge (“IJ”) in light of the IJ’s failure to consider Midence’s membership in a particular social group consisting of young, handicapped, Catholic men in Honduras who refuse to join gangs.

The BIA reasoned that the particular social groups in which Midence claimed membership are not cognizable under the Immigration and Nationality Act. The BIA has since published two precedential opinions clarifying its interpretation of the term “particular social group” in light of *Henriquez-Rivas v. Holder*, 707 F.3d 1081 (9th Cir. 2013) (en banc). *See Matter of W-G-R-*, 26 I. & N. Dec. 208 (2014); *Matter of M-E-V-G-*, 26 I. & N. Dec. 227 (2014). As in a recent case, “we remand the petition to the BIA to consider [Midence’s] asylum claim in light of those decisions. . . . We also advise the BIA to consider

[Midence's] petition in light of *Henriquez-Rivas*" *Pirir-Boc v. Holder*, —
F.3d — , 2014 WL 1797657, at *5 (9th Cir. May 7, 2014).

GRANTED and REMANDED.