

OCT 01 2014

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

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

MALLOLA ESPERANZA OSORIO-  
MENDEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73737

Agency No. A072-532-123

MEMORANDUM\*

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

Submitted September 23, 2014\*\*

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Mallola Esperanza Osorio-Mendez, a native and citizen of Guatemala,  
petitions for review of the Board of Immigration Appeals' ("BIA") order  
dismissing her appeal of an immigration judge's decision denying her motion to

---

\* 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).

reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and remand.

In denying Osorio-Mendez's motion to reopen, the BIA, inter alia, found Osorio-Mendez failed to establish she would be harmed on account of a protected ground. When the BIA issued its decision, it did not have the benefit of this court's decisions in *Henriquez-Rivas v. Holder*, 707 F.3d 1081, 1083 (9th Cir. 2013) (en banc) (recognizing witnesses who testify against gang members may constitute a particular social group), *Cordoba v. Holder*, 726 F.3d 1106 (9th Cir. 2013), and *Pirir-Boc v. Holder*, 750 F.3d 1077 (9th Cir. 2014), or the BIA's decisions in *Matter of M-E-V-G-*, 26 I. & N. Dec. 227 (BIA 2014), and *Matter of W-G-R-*, 26 I. & N. Dec. 208 (BIA 2014). Thus, we remand for the agency to determine the impact, if any, of these decisions. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

**PETITION FOR REVIEW GRANTED; REMANDED.**