

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUL 17 2017

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

DAVID JUAREZ,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 13-72779

Agency No. A073-123-242

MEMORANDUM*

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

Submitted July 11, 2017**

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

David Juarez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

The agency found Juarez did not establish eligibility for asylum on the basis of having either soldiers or guerillas attempt to recruit him in El Salvador. We lack jurisdiction to consider the contention Juarez raises for the first time in his opening brief that he was or would be persecuted as a member of a particular social group of children who refused conscription. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004) (petitioner must exhaust claims in administrative proceedings below).

Apart from his social group argument, Juarez does not otherwise challenge the agency's reasons for denying his asylum claim. Thus, we deny the petition for review.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.