

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 25 2021

FOR THE NINTH CIRCUIT

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

URIEL ANTONIO MORENO-
GONZALEZ,

Petitioner,

v.

ROBERT M. WILKINSON, Acting
Attorney General,

Respondent.

No. 19-70661

Agency No. A208-687-436

MEMORANDUM*

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

Submitted February 17, 2021**

Before: FERNANDEZ, BYBEE, BADE, Circuit Judges.

Uriel Antonio Moreno-Gonzalez, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for asylum, withholding of removal, and relief under the Convention

* 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).

Against Torture (“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny in part and dismiss in part the petition for review.

In his opening brief, Moreno-Gonzales does not challenge the agency’s dispositive conclusion that his proposed particular social group, “victims of police brutality,” was not cognizable. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013) (issues not specifically raised and argued in a party’s opening brief are waived).

We lack jurisdiction to consider the new proposed particular social group Moreno-Gonzalez raised in his opening brief, “people targeted for death by gang members who have Government Police working from them under color of law,” because he did not raise this group before the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004) (court lacks jurisdiction to review claims not presented to the agency).

Thus, Moreno-Gonzalez’s asylum and withholding of removal claims fail.

We lack jurisdiction to consider Moreno-Gonzalez’s contentions as to the IJ’s denial of his CAT claim because he failed to challenge this decision to the BIA. *See Barron*, 358 F.3d at 677-78.

We also lack jurisdiction to consider Moreno-Gonzalez's contentions that the IJ misinterpreted the law and did not allow him to present evidence. *See id.*

As stated in the court's May 21, 2019 order, the temporary stay of removal remains in place until issuance of the mandate.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.