

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 2 2021

FOR THE NINTH CIRCUIT

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

DOLORES ANTONIA LARA-CRUZ;  
JOSE ALFREDO MADRID-LARA,

Petitioners,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 15-71384

Agency Nos. A087-537-497  
A087-537-498

MEMORANDUM\*

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

Submitted June 30, 2021\*\*

Before: GRABER, FRIEDLAND, and BENNETT, Circuit Judges.

Dolores Antonia Lara-Cruz (“Lara-Cruz”), a native and citizen of Honduras, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s decision denying her

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\* 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).

application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”).<sup>1</sup> Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

Lara-Cruz does not challenge the agency’s denial of her application for asylum as time-barred, nor does she challenge the agency’s denial of CAT protection. She did not raise the timeliness of her asylum application in her appeal to the BIA, and she did not raise either issue in her opening brief to this court. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004) (the court lacks jurisdiction to review unexhausted claims); *Martinez-Serrano*, 94 F.3d at 1259-60.

We lack jurisdiction to consider Lara-Cruz’s arguments regarding the agency’s adverse credibility determination because she did not adequately raise the issue of credibility before the BIA. *See Barron*, 358 F.3d at 677-78; *Sola v. Holder*, 720 F.3d 1134, 1135-36 (9th Cir. 2013) (per curiam).

The temporary stay of removal remains in place until issuance of the mandate.

## **PETITION FOR REVIEW DISMISSED.**

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<sup>1</sup> Jose Alfredo Madrid-Lara (“Madrid-Lara”) is Lara-Cruz’s son. Lara-Cruz and Madrid-Lara have waived any arguments related to Madrid-Lara’s application for asylum, withholding of removal, and CAT protection. *Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party’s opening brief are “deemed waived”).