

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 10 2022

FOR THE NINTH CIRCUIT

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

ANA ELIZABETH MENDEZ-DE
MENDEZ; et al.,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 20-70523

Agency Nos. A099-466-665
A208-452-463
A208-452-464

MEMORANDUM*

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

Submitted June 1, 2022**

Before: FRIEDLAND, SANCHEZ, and H. THOMAS, Circuit Judges

Ana Elizabeth Mendez-De Mendez, and her two sons, natives and citizens of El Salvador, petition for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's ("IJ") decision denying their applications for asylum, withholding of removal, and protection under the

* 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).

Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, including due process challenges. *Young Sun Shin v. Mukasey*, 547 F.3d 1019, 1023 (9th Cir. 2008) (citation omitted). We deny the petition for review.

In their counseled opening brief, petitioners argue that the BIA erred in adopting the IJ’s adverse credibility determination. This argument is unavailing because the BIA expressly presumed petitioners credible and denied their applications for asylum, withholding of removal, and protection under CAT on the merits. Petitioners have waived any challenges to the BIA’s dispositive merits determinations by failing to raise them in the opening brief, and their asylum, withholding, and CAT claims therefore fail. *See 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 waived).

PETITION FOR REVIEW DENIED.