

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 22 2022

FOR THE NINTH CIRCUIT

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

HEIDY JOHANA MARTINEZ-  
SANTIAGO; MARIO ROBERTO  
MARTINEZ-SANTIAGO,

Petitioners,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 15-72612

Agency Nos. A088-018-120  
A095-931-536

MEMORANDUM\*

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

Submitted June 15, 2022\*\*

Before: SILVERMAN, WATFORD, and FORREST, Circuit Judges.

Heidy Johana Martinez-Santiago and Mario Roberto Martinez-Santiago,  
natives and citizens of Honduras, petition for review of the Board of Immigration  
Appeals' ("BIA") order dismissing their appeal from an immigration judge's

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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).

decision denying their applications for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

We lack jurisdiction to consider the merits of petitioners’ claims as to their eligibility for asylum, withholding of removal, and CAT relief because they failed to raise them before the BIA. *See Segura v. Holder*, 605 F.3d 1063, 1066 (9th Cir. 2010) (“[Petitioner’s] failure to assert [a] claim before the BIA deprived it of the opportunity to address the issue and divests us of jurisdiction to review it.”).

In petitioners’ opening brief they do not challenge, and therefore waive, the BIA’s determination that they failed to establish their former counsel provided ineffective assistance. *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).

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

**PETITION FOR REVIEW DISMISSED in part; DENIED in part.**