

FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ADRIAN BAUTISTA MANJARREZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 22-1941

Agency No. A200-626-726

MEMORANDUM\*

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

Submitted February 12, 2024\*\*  
Pasadena, California

Before: TASHIMA, CALLAHAN, and JOHNSTONE, Circuit Judges.

Petitioner Adrian Bautista Manjarrez, a native and citizen of Mexico, petitions for review of a decision of the Board of Immigration Appeals (BIA or Board). The Board dismissed Petitioner's appeal of a decision of the Immigration

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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 finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2)(C).

Judge, who denied his application for cancellation of removal. The BIA also denied Petitioner's motion to remand for him to apply for asylum, withholding of removal, and protection under the Convention Against Torture (CAT).<sup>1</sup> We have jurisdiction pursuant to 8 U.S.C. § 1252, and we deny the petition.

The BIA did not abuse its discretion in denying Petitioner's motion to remand because Petitioner did not establish a prima facie case of eligibility for asylum or withholding of removal. *See Taggar v. Holder*, 736 F.3d 886, 889 (9th Cir. 2013) ("We review the Board's denial of motions to remand for abuse of discretion."); *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1151 (9th Cir. 2010) (per curiam) ("A motion to reopen will not be granted unless the [petitioner] establishes a prima facie case of eligibility for the underlying relief sought."). As the Board recognized, we have held that the proposed social group of "returning Mexicans from the United States,' . . . is too broad to qualify as a cognizable social group."<sup>2</sup> *Delgado-Ortiz*, 600 F.3d at 1151–52.

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<sup>1</sup> Petitioner has not addressed the denial of cancellation of removal or the denial of his motion to reopen as to CAT protection, and thus has waived those issues. *See Carro-Barragan v. Holder*, 718 F.3d 1174, 1177 n.5 (9th Cir. 2013) (stating that the petitioner "did not contest the denial of cancellation of removal in her opening brief, so the issue is waived"); *Martinez-Serrano v. INS*, 94 F.3d 1256, 1259–60 (9th Cir. 1996) (stating "An issue referred to in the appellant's statement of the case but not discussed in the body of the opening brief is deemed waived.")

<sup>2</sup> Petitioner challenges only the social group finding.

The petition for review is **DENIED**.<sup>3</sup>

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<sup>3</sup> The temporary stay of removal remains in place until the mandate issues. The motion for a stay of removal is otherwise denied.