

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 22 2026

FOR THE NINTH CIRCUIT

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

NEXY JAQUELINE TABORA-  
ORELLANA; ASTRID JACKELIN  
FUENTES-TABORA, AKA Astrid  
Jaqueline Fuentes-Tabora,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 16-73774

Agency Nos.  
A206-801-524  
A206-801-525

MEMORANDUM\*

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

Submitted October 20, 2026\*\*  
Pasadena, California

Before: BUMATAY, VANDYKE, and MENDOZA, JR., Circuit Judges.

Petitioner Nexy Tabora-Orellana (“Lead Petitioner”) and her daughter Astrid  
Jackelin Fuentes-Tabora (collectively “Petitioners”), natives and citizens of

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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).

Honduras, petition for review of a Board of Immigration Appeals (“BIA”) decision affirming the Immigration Judge’s (“IJ”) denial of their applications for asylum and withholding of removal.<sup>1</sup> We have jurisdiction under 8 U.S.C. § 1252. We deny the petition.

We review the BIA’s determination as to whether a proposed social group is socially distinct for substantial evidence. *Conde Quevedo v. Barr*, 947 F.3d 1238, 1242 (9th Cir. 2020). Accordingly, we uphold the BIA’s determination unless the evidence “not only supports, but compels the conclusion” that it is erroneous. *Plancarte Saucedo v. Garland*, 23 F.4th 824, 831 (9th Cir. 2022) (quoting *Davila v. Barr*, 968 F.3d 1136, 1141 (9th Cir. 2020)). Where, as here, “the BIA conducts its own review of the evidence and law, rather than adopting the IJ’s decision, our review is limited to the BIA’s decision, except to the extent the IJ’s decision is expressly adopted.” *Rodriguez v. Holder*, 683 F.3d 1164, 1169 (9th Cir. 2012) (citation modified). We may only affirm the BIA on the grounds upon which it relied. *Doissaint v. Mukasey*, 538 F.3d 1167, 1170 (9th Cir. 2008).

Substantial evidence supports the BIA’s determination that Lead Petitioner failed to demonstrate that her “proposed social group composed of ‘young single mothers who oppose gangs’ lacked the requisite social distinction to qualify as a

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<sup>1</sup> Petitioners also sought relief under the Convention Against Torture (“CAT”). They do not challenge the denial of CAT relief before this court, nor did they before the BIA.

‘particular social group’ for immigration purposes.” An applicant for asylum and withholding of removal based on membership in a particular social group bears the burden of “demonstrating the existence of a cognizable particular social group.” *Reyes v. Lynch*, 842 F.3d 1125, 1132 n.3 (9th Cir. 2016) (quoting *Matter of W-G-R-*, 26 I. & N. Dec. 208, 223 (B.I.A. 2014)). To be cognizable, a particular social group must be “socially distinct within the society in question.” *Akosung v. Barr*, 970 F.3d 1095, 1103 (9th Cir. 2020) (quoting *Matter of M-E-V-G-*, 26 I. & N. Dec. 227, 237 (B.I.A. 2014)). A group is socially distinct when it is recognized or perceived as a discrete or distinct group by society in the relevant country. *Conde Quevedo*, 947 F.3d at 1242.

Petitioners do not point to any evidence establishing that Honduran society recognizes young single mothers who oppose gangs as a distinct group. *See id.* at 1243 (upholding the agency’s social distinction determination when the record was “devoid of any society specific evidence . . . which would establish that [the proposed social group] are perceived or recognized as a group by society in Guatemala”). And our own review of the record does not compel a contrary result to that reached by the BIA; indeed, nothing in the record indicates that Honduran society views young single mothers who oppose gangs as a discrete or distinct group. *See Diaz-Torres v. Barr*, 963 F.3d 976, 981 (9th Cir. 2020) (holding that the petitioner did not establish a socially distinct particular social group when “[n]othing

in the record addresse[d] whether Mexican society views either of [the petitioner's] proposed social groups as distinct"); *Conde Quevedo*, 947 F.3d at 1243 (denying petition as to asylum and withholding of removal when neither the petitioner's testimony nor country condition reports provided "society-specific evidence of social distinction"); *cf. Henriquez-Rivas v. Holder*, 707 F.3d 1081, 1092 (9th Cir. 2013) (en banc) (reasoning that legislation passed to protect individuals testifying against gang members in criminal proceedings constituted evidence that Salvadoran society "recognize[d] [this] particular class of individuals as uniquely vulnerable").

Because Petitioners' failure to establish the cognizability of their proposed particular social group is dispositive of both their asylum and withholding of removal claims, *Reyes*, 842 F.3d at 1132 n.3, we deny the petition.

**PETITION DENIED.<sup>2</sup>**

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<sup>2</sup> The motion to stay removal (Dkt. 1) is denied.