

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-60268
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
August 17, 2017

Lyle W. Cayce
Clerk

MARIA GLORIA ORTIZ-LICONA,

Petitioner

v.

JEFFERSON B. SESSIONS, III, U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A087 433 211

Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Maria Gloria Ortiz-Licona, a native and citizen of Honduras, has filed a petition for review of the order of the Board of Immigration Appeals (BIA) affirming the denial of her application for withholding of removal. Ortiz-Licona contends that she demonstrated past persecution and a clear probability of future persecution based on the cumulative effects of her ex-husband's mistreatment of her. She also challenges the determination of the

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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BIA that any persecution would not be on account of her membership in a particular social group.

Although Ortiz-Licona testified that her ex-husband engaged in verbal and psychological abuse and mistreated her with respect to the marital home, the record does not compel the conclusion that his conduct rose to the extreme level required to constitute persecution. *See Tesfamichael v. Gonzales*, 469 F.3d 109, 116 (5th Cir. 2006); *Eduard v. Ashcroft*, 379 F.3d 182, 188 (5th Cir. 2004).

Substantial evidence also supports the BIA's determination with respect to the likelihood of future persecution. Ortiz-Licona did not present evidence of any specific threat by her ex-husband should she return to Honduras. Additionally, after her ex-husband's abusive conduct began, she lived in Honduras for about 10 years without suffering harm rising to the level of persecution. Her children and other family members also continue to live in Honduras without harm amounting to persecution. *See Tesfamichael*, 469 F.3d at 116; *Eduard*, 379 F.3d at 188.

The BIA's determination that Ortiz-Licona failed to make the requisite showing regarding persecution is supported by substantial evidence. We therefore need not reach her argument regarding membership in a particular social group.

The petition for review is DENIED.