

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 6, 2024

Lyle W. Cayce
Clerk

No. 23-60563
Summary Calendar

BRENDA LISSET CORVERA,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A206 342 236

Before HIGGINBOTHAM, STEWART, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:*

Brenda Lisset Corvera, a native and citizen of El Salvador, petitions for review of a Board of Immigration Appeals (“BIA”) decision denying her request for administrative closure and affirming the decision of an Immigration Judge (“IJ”) denying her request for withholding of removal. We review the BIA’s opinion and consider the IJ’s decision only insofar as it

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.4.

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influenced the BIA. *Singh v. Sessions*, 880 F.3d 220, 224 (5th Cir. 2018). Because the BIA's decision concerning withholding is reviewed for substantial evidence, we will not disturb it unless the evidence "*compels*" a contrary conclusion. *Zhang v. Gonzales*, 432 F.3d 339, 344 (5th Cir. 2005) (emphasis in original) (quotation marks and citation omitted). Corvera has not met this standard. She fails to brief, and thus abandons, any challenge she may have had to the BIA's past persecution determination. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003). Her challenge to the BIA's rejection of her proposed particular social groups ("PSGs") and its concomitant rejection of her future persecution claim fails because she cites no evidence to support her assertion that her proposed PSGs are viable. She has thus not shown that the record compels a conclusion contrary to that of the BIA on this issue. *See Zhang*, 432 F.3d at 344.

Her challenge to the denial of administrative closure likewise fails. We review the BIA's decision on a request for administrative closure for abuse of discretion. *Hernandez-Castillo v. Sessions*, 875 F.3d 199, 208–09 (5th Cir. 2017). "The BIA abuses its discretion when it issues a decision that is capricious, irrational, utterly without foundation in the evidence, based on legally erroneous interpretations of statutes or regulations, or based on unexplained departures from regulations or established policies." *Navarrete-Lopez v. Barr*, 919 F.3d 951, 953 (5th Cir. 2019) (quotation marks and citation omitted). Corvera sought administrative closure so that she could pursue a provisional unlawful presence waiver, but she had not obtained the approved visa petition that is a prerequisite of the waiver, nor had she shown that she is likely to obtain the petition or waiver within a reasonable time. *See* 8 C.F.R. § 212.7(e)(3)(iv)(A), (e)(4)(iii). Consequently, she has shown no abuse of discretion in connection with the denial of this request. *See Hernandez-Castillo*, 875 F.3d at 208–09; *Matter of Avetisyan*, 25 I. & N. Dec. 688, 696 (BIA 2012). The petition for review is DENIED.