

United States Court of Appeals
For the Eighth Circuit

No. 16-3288

Marco Antonio Alavez-Narvaez,

Petitioner,

v.

Jefferson B. Sessions, III,¹ Attorney General of the United States,

Respondent.

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

Submitted: June 16, 2017

Filed: July 13, 2017

[Unpublished]

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Mexican citizen Marco Alavez-Narvaez petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the decision of an

¹Jefferson B. Sessions, III is substituted for his predecessor under Federal Rule of Appellate Procedure 43(c).

immigration judge denying him asylum and withholding of removal. In his pro se appeal, Alavez challenges the immigration judge's findings regarding the timeliness of his asylum application. He argues for the first time that he is a member of a particular social group whose members are sons of murdered gang leaders. And he claims that he had a well-founded fear of persecution, because the gang had the capability and inclination to punish him for trying to obtain information about his father's death.

This court lacks jurisdiction to review both the timeliness of Alavez's asylum application, *see* 8 U.S.C. § 1158(a)(3), and Alavez's unexhausted argument claiming protected status based on his membership in a particular social group. *See* 8 U.S.C. § 1252(d)(1); *Martinez Carcamo v. Holder*, 713 F.3d 916, 925 (8th Cir. 2013). We also conclude that Alavez did not establish a nexus between his feared harm and any protected ground, as his perceived threat was based on purely personal retribution. *See Martinez-Galarza v. Holder*, 782 F.3d 990, 993-94 (8th Cir. 2015). Accordingly, we deny the petition. *See* 8th Cir. R. 47B.
