

United States Court of Appeals  
For the Eighth Circuit

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No. 19-3658

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Alberto Garcia Maldonado

*Petitioner*

v.

William P. Barr, Attorney General of United States

*Respondent*

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

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Submitted: July 21, 2020

Filed: July 24, 2020

[Unpublished]

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Before LOKEN, BENTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Alberto Garcia Maldonado petitions for review of an order of the Board of Immigration Appeals (BIA) dismissing his appeal from the decision of an immigration judge denying his application for withholding of removal and denying relief under the Convention Against Torture (CAT). Because Garcia Maldonado does not challenge the untimeliness of his asylum application, the agency's determination

that he failed to demonstrate past persecution, or the denial of voluntary departure, he has waived those issues. See Chay-Velasquez v. Ashcroft, 367 F.3d 751, 756 (8th Cir. 2004).

Upon review, we conclude that substantial evidence supports the BIA's denial of withholding of removal. See Wijono v. Gonzales, 439 F.3d 868, 872 (8th Cir. 2006) (standard of review); see also 8 U.S.C. § 1231(b)(3)(A) (withholding of removal requirements). Garcia Maldonado waived any review of his proposed particular social groups, other than his family group, by not raising them on appeal. See Chay-Velasquez, 367 F.3d at 756. Even assuming the Garcia Maldonado family constitutes a particular social group, Garcia Maldonado failed to establish a nexus between the harm he feared and his membership in that group, including because his asserted fear was based on his parents' personal dispute with neighbors, his family members remained unharmed in Mexico, and his fears of generalized violence were insufficient to entitle him to relief. See Rivas v. Sessions, 899 F.3d 537, 542 (8th Cir. 2018); Cambara-Cambara v. Lynch, 837 F.3d 822, 826 (8th Cir. 2016); Al Yatim v. Mukasey, 531 F.3d 584, 588-89 (8th Cir. 2008); Setiadi v. Gonzales, 437 F.3d 710, 714 (8th Cir. 2006). As this issue is dispositive of Garcia Maldonado's withholding-of-removal claim, we decline to address whether the government was unwilling or unable to control his alleged persecutors. See De la Rosa v. Barr, 943 F.3d 1171, 1174 (8th Cir. 2019). Finally, we conclude the agency properly denied Garcia Maldonado's claim for relief under the CAT because it was based on the same underlying facts as his withholding-of-removal claim. See Wijono, 439 F.3d at 874.

Accordingly, we deny the petition for review. See 8th Cir. R. 47B.

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