

United States Court of Appeals
For the Eighth Circuit

No. 23-1555

Marvin Lopez Gutierrez

Petitioner

v.

Merrick B. Garland, Attorney General of the United States

Respondent

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

Submitted: November 27, 2023

Filed: November 30, 2023

[Unpublished]

Before LOKEN, ERICKSON, and GRASZ, Circuit Judges.

PER CURIAM.

Guatemalan native and citizen Marvin Lopez Gutierrez petitions for review of an order of the Board of Immigration Appeals, which affirmed an immigration judge's denial of withholding of removal.

Having carefully reviewed the record, we conclude the agency did not err in determining that Lopez Gutierrez failed to show there was a clear probability that his life or freedom would be threatened in Guatemala because of his membership in a particular social group, the only protected ground he asserted. See 8 U.S.C. § 1231(b)(3)(A); Mayorga-Rosa v. Sessions, 888 F.3d 379, 382 (8th Cir. 2018). This court has repeatedly held that resistance to gang membership does not present a cognizable particular social group, and Lopez Gutierrez has offered no evidence or argument that would warrant a different result in his case. See, e.g., Tojin-Tiu v. Garland, 33 F.4th 1020, 1024 (8th Cir. 2022); Juarez Chilel v. Holder, 779 F.3d 850, 855 (8th Cir. 2015); Ortiz-Puentes v. Holder, 662 F.3d 481, 483 (8th Cir. 2011). Because this issue is dispositive of Lopez Gutierrez’s claim, we decline to address his other arguments. See Uriostegui-Teran v. Garland, 72 F.4th 852, 856 (8th Cir. 2023); Miranda v. Sessions, 892 F.3d 940, 944 (8th Cir. 2018).

Accordingly, the petition for review is denied. See 8th Cir. R. 47B.
