

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 13 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JULIO TORRES QUINTERO,

No. 18-73207

Petitioner,

Agency No. A098-004-468

v.

MEMORANDUM\*

MERRICK B. GARLAND, Attorney  
General,

Respondent.

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

Submitted November 16, 2022\*\*  
Pasadena, California

Before: NGUYEN and FORREST, Circuit Judges, and FITZWATER,\*\* District  
Judge.

Julio Torres Quintero petitions for review of a decision by the Board of  
Immigration Appeals (“BIA”) dismissing his appeal of the immigration judge’s

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision  
without oral argument. *See* Fed. R. App. P. 34(a)(2).

\*\*\* The Honorable Sidney A. Fitzwater, United States District Judge for  
the Northern District of Texas, sitting by designation.

order denying his application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction to review final orders of removal, but only if the applicant for relief from removal “has exhausted all administrative remedies available to [him] as of right.” 8 U.S.C. § 1252(d)(1).

Torres Quintero contends that the BIA erred when it found that he was not a member of a particular social group for purposes of asylum and withholding of removal and that he was not eligible for CAT protection. Because he did not present these contentions to the BIA and the BIA expressly declined to address them, we lack jurisdiction to consider them. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

**PETITION DISMISSED.**