

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 29, 2008

Charles R. Fulbruge III
Clerk

No. 06-61153

Summary Calendar

JOSE FRANSISCO MARQUEZ-PEREZ

Petitioner

v.

MICHAEL B MUKASEY, U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A28 856 159

Before JOLLY, PRADO and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Jose Fransisco Marquez-Perez petitions for review of the decision of the Board of Immigration Appeals (BIA) affirming the decision of the immigration judge (IJ) denying his application for asylum and withholding of removal. As Marquez-Perez has not challenged the denial of his request for protection under the Convention Against Torture, any such challenge is abandoned. See Rodriguez v. INS, [9 F.3d 408, 414 n.15](#) (5th Cir. 1993).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Marquez-Perez argues that business owners in El Salvador who are targeted by gang members for money constitute a “particular social group” for purposes of an application for asylum and withholding of removal. He also argues that he established past persecution and a well-founded fear of persecution if he returned to El Salvador.

Substantial evidence supports the BIA's finding that Marquez-Perez established neither past persecution nor a well-founded fear of future persecution from gangs in El Salvador due to his alleged membership in a “particular social group” or any other of the remaining grounds enumerated under 8 U.S.C. § 1101(a)(42)(A). See 8 U.S.C. § 1158(b); *Mwembie v. Gonzales*, 443 F.3d 405, 414-15 (5th Cir. 2006); *Majd v. Gonzales*, 446 F.3d 590, 595 (5th Cir. 2006) ; *Efe v. Ashcroft*, 293 F.3d 899, 903 (5th Cir. 2002); *Mikhael v. INS*, 115 F.3d 299, 302 (5th Cir. 1997); see also *Matter of A-M-E & J-G-U*, 24 I. & N. Dec. 69 (BIA 2007). Because Marquez-Perez has not satisfied the asylum standard, he cannot meet the more stringent standard for withholding of removal. See *Eduard v. Ashcroft*, 379 F.3d 182, 186 n.2 (5th Cir. 2004).

PETITION DENIED.