

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 22, 2009

Charles R. Fulbruge III
Clerk

No. 08-60456
Summary Calendar

MIGUEL ANGEL CRUZ-MELGAR

Petitioner

v.

ERIC H HOLDER, JR., U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A99 523 882

Before HIGGINBOTHAM, BARKSDALE, and HAYNES, Circuit Judges.

PER CURIAM:*

Miguel Angel Cruz-Melgar, a minor, petitions for review of the decision of the Board of Immigration Appeals (BIA) denying his application for asylum. Cruz contends, as the Immigration Judge (IJ) concluded, that his application should have been granted because he will be persecuted on account of his membership in a particular social group consisting of young Honduran males

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

targeted by gangs for recruitment. (Because Cruz has not challenged the BIA's conclusion that he was not entitled to withholding of removal or relief under the Convention Against Torture, any such claims are abandoned. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).)

In reviewing decisions of the BIA, we review questions of law *de novo* but defer "to the BIA's interpretation of immigration statutes unless the record reveals compelling evidence that the BIA's interpretation is incorrect". *Gomez-Palacios v. Holder*, 560 F.3d 354, 358 (5th Cir. 2009). Findings of fact are reviewed for substantial evidence. *Id.* "This court reviews the order of the BIA and will consider the underlying decision of the IJ only if it influenced the determination of the BIA." *Id.*

Cruz contends the BIA erred in failing to consider the history of harassment and mistreatment suffered by Cruz and his family at the hands of gang members. Cruz maintains the BIA should have considered documentary evidence showing the Honduran population in general has problems with gang members and young men are typically recruited for gang membership. Cruz has not established the evidence compels a contrary conclusion from that reached by the BIA. *See Eduard v. Ashcroft*, 379 F.3d 182, 190 (5th Cir. 2004).

DENIED.