

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

F I L E D

January 14, 2011

No. 10-60148
Summary Calendar

Lyle W. Cayce
Clerk

FAUSTINO ARREAGA-BARRIOS, also known as Faustino Adolfo Arreaga,

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. A088 838 709

Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:*

Faustino Arreaga-Barrios (Arreaga) petitions for review of an order of the Board of Immigration Appeals (BIA) affirming the immigration judge's decision to deny his application for asylum and withholding of removal under the Immigration and Nationality Act (INA). Arreaga argues that the BIA erred in determining that he had not established entitlement to withholding of removal under the INA. Arreaga does not challenge the BIA's decision that his asylum

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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application was untimely. He has therefore abandoned any such challenge. *See Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003).

Arreaga complained in his application of threats of violence and extortion by gang members who did not act under official sanction. The actions of the gang members, he argued, constituted persecution. However, Arreaga's refusal to give money to gang members in exchange for not being beaten up does not qualify him as a member of a protected social group. *See Faddoul v. INS*, 37 F.3d 185, 188 (5th Cir. 1994). Thus, the evidence in the record does not establish a clear probability of persecution if Arreaga is returned to Guatemala. *See id.*; *Roy v. Aschcroft*, 389 F.3d 132, 138 (5th Cir. 2004).

Our review of the record shows that the BIA's decision is supported by substantial evidence and that the record does not compel a contrary conclusion. *See Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006); 8 U.S.C. § 1252(b)(4)(B). Arreaga's petition for review is DENIED.