

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-60700
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
September 1, 2016

Lyle W. Cayce
Clerk

JOSE BENITO ARTEAGA HERNANDEZ,

Petitioner

v.

LORETTA LYNCH, U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A201 068 592

Before REAVLEY, OWEN, and ELROD, Circuit Judges.

PER CURIAM:*

Jose Benito Arteaga Hernandez, a native and citizen of Honduras, has filed a petition for review of the order of the Board of Immigration Appeals (BIA) dismissing his appeal from the denial of his application for withholding of removal. Arteaga Hernandez sought withholding of removal based on problems with gangs in Honduras.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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We review the order of the BIA and will consider the underlying decision of the immigration judge only if it had some impact upon the BIA's decision. *Orellana-Monson v. Holder*, 685 F.3d 511, 517 (5th Cir. 2011). "To be eligible for withholding of removal, an applicant must demonstrate a clear probability of persecution on the basis of race, religion, nationality, membership in a particular social group, or political opinion." *Chen v. Gonzales*, 470 F.3d 1131, 1138 (5th Cir. 2006) (internal quotation marks and citations omitted).

Arteaga Hernandez contends that he showed past persecution and a clear probability of future persecution based on his membership in a group of Hondurans who were unsuccessfully recruited by gangs, beaten, reported the beating to authorities, and continue to be threatened by gang members. Under the substantial evidence standard, the BIA's determination that Arteaga Hernandez is not eligible for withholding of removal does not warrant reversal as Arteaga Hernandez's purported group is not protected for purposes of withholding of removal. *See Orellana-Monson*, 685 F.3d at 517; *Chen*, 470 F.3d at 1134.

The petition for review is DENIED.