

United States Court of Appeals
For the Eighth Circuit

No. 12-1596

Mateo Raymundo Rafael

Petitioner

v.

Eric H. Holder, Jr., Attorney General of the United States

Respondent

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

Submitted: December 26, 2010

Filed: January 7, 2013

[Unpublished]

Before LOKEN, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Mateo Raymundo Rafael, a citizen of Guatemala, petitions for review of an order of the Board of Immigration Appeals (BIA) which upheld an immigration judge's denial of special rule cancellation of removal under the Nicaraguan

Adjustment and Central American Relief Act and denial of asylum.¹ After careful review, we find no basis for reversal. First, we conclude that we lack jurisdiction to review the BIA's decision regarding Rafael's eligibility for special rule cancellation of removal, because that decision was based on a purely factual issue. See Molina Jerez v. Holder, 625 F.3d 1058, 1068-69 (8th Cir. 2010). Second, as to Rafael's request for asylum, we conclude that substantial evidence supported the BIA's denial of relief. See Khrystodorov v. Mukasey, 551 F.3d 775, 781 (8th Cir. 2008).

Accordingly, the petition for review is denied. See 8th Cir. R. 47B.

¹Rafael was also denied withholding of removal and relief under the Convention Against Torture, but he does not address these claims in his brief. See Chay-Velasquez v. Ashcroft, 367 F.3d 751, 756 (8th Cir. 2004) (petitioner waives claim that is not meaningfully raised in opening brief).