

United States Court of Appeals
For the Eighth Circuit

No. 17-1185

Lleyson Carreto Carreto

Petitioner

v.

Jefferson B. Sessions, III, Attorney General of the United States

Respondent

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

Submitted: October 31, 2017

Filed: November 3, 2017

[Unpublished]

Before COLLTON, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Guatemalan citizen Lleyson Carreto Carreto petitions for review of an order of the Board of Immigration Appeals (BIA) dismissing his appeal from the decision of

an immigration judge (IJ), which denied him asylum.¹ Carreto Carreto sought immigration relief based on his membership in the particular social group “impoverished Guatemalan males who are victims of gang violence and who would be targeted upon their return based on past experiences,” and on his status as a returnee from the United States who would be perceived as having money.

After careful consideration of Carreto Carreto’s arguments and the record, we conclude that substantial evidence supports the finding that he failed to show past persecution in Guatemala, or a well founded fear of persecution there, due to one of the five protected grounds: race, religion, nationality, membership in a particular social group, or political opinion. See 8 U.S.C. § 1158(b)(1)(B)(i) (listing asylum grounds); De Castro-Gutierrez v. Holder, 713 F.3d 375, 379 (8th Cir. 2013) (standard of review). Specifically, we determine that (1) neither of the proposed groups constituted a particular social group; (2) to the extent Carreto Carreto feared general violence in Guatemala, his fear was not based on a protected ground; and (3) he did not establish the harm inflicted by the gang was on any protected ground for purposes of asylum relief. See id. at 380 (BIA requires particular social group to be defined with particularity and not defined just by fact that its members have been targeted for persecution); Matul-Hernandez v. Holder, 685 F.3d 707, 712-13 (8th Cir. 2012) (Guatemalans returning from the United States who are perceived as wealthy is not particular social group); Gaitan v. Holder, 671 F.3d 678, 682 (8th Cir. 2012) (group--young Salvadoran males who have been subjected to recruitment and have rejected or resisted gang membership based on personal opposition--was not sufficiently narrow to cover discrete class of persons who would be perceived as group by rest of society, so petitioner was no different from any other Salvadoran who has faced gang violence); Krasnopivtsev v. Ashcroft, 382 F.3d 832, 839-40 (8th Cir. 2004) (applicant

¹The IJ’s denials of withholding of removal and relief under the Convention Against Torture are not before this court. See Chay-Velasquez v. Ashcroft, 367 F.3d 751, 756 (8th Cir. 2004) (alien waives claim by not meaningfully challenging it in his brief).

must demonstrate particularized fear of persecution directed at him, not fear of general violence). The petition is denied. See 8th Cir. R. 47B.
