

United States Court of Appeals
For the Eighth Circuit

No. 17-1252

Manuel De Jesus Garcia Ortiz

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: February 20, 2017

Filed: February 26, 2018

[Unpublished]

Before LOKEN, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

Guatemalan citizen Manuel Garcia Ortiz petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the decision of an

immigration judge (IJ), which denied him asylum and withholding of removal.¹ Ortiz sought immigration relief based on his membership in the particular social group “former members of the military suffering gang threats and violence due to noninvolvement in their criminal behavior.”

After careful consideration of Ortiz’s arguments and the record, we conclude that substantial evidence supports the finding that he failed to show past persecution in Guatemala, a well-founded fear of future persecution there, or a clear probability of future 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); De Castro-Gutierrez v. Holder, 713 F.3d 375, 379 (8th Cir. 2013) (standard of review); Matul-Hernandez v. Holder, 685 F.3d 707, 711-13 (8th Cir. 2012). Specifically, we determine that: (1) Ortiz’s proposed group does not constitute a particular social group, see Gaitan v. Holder, 671 F.3d 678, 682 (8th Cir. 2012); (2) to the extent Ortiz feared general violence in Guatemala, his fear was not based on a protected ground, see Al Yatim v. Mukasey, 531 F.3d 584, 588-89 (8th Cir. 2008); and (3) he did not establish that the Guatemalan government was unable or unwilling to control the private actors he fears, see Gutierrez-Vidal v. Holder, 709 F.3d 728, 732 (8th Cir. 2013).

The petition is denied. See 8th Cir. R. 47B.

¹The IJ’s denial of relief under the Convention Against Torture is not on appeal. See Chay-Velasquez v. Ashcroft, 367 F.3d 751, 756 (8th Cir. 2004).