

United States Court of Appeals
For the Eighth Circuit

No. 18-1181

Joel Gomez Andrade

Petitioner

v.

Matthew G. Whitaker, Acting Attorney General of the United States

Respondent

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

Submitted: November 1, 2018

Filed: November 21, 2018

[Unpublished]

Before WOLLMAN, GRUENDER, and STRAS, Circuit Judges.

PER CURIAM.

Mexican citizen Joel Gomez Andrade petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the decision of an immigration judge, which denied him withholding of removal.¹

¹The denial of asylum and relief under the Convention Against Torture are not before the panel. See Chay-Velasquez v. Holder, 367 F.3d 751, 756 (8th Cir. 2004)

Upon review, we conclude that substantial evidence supports the denial of withholding of removal because Gomez Andrade did not show a clear probability that his life or freedom would be threatened on account of membership in a particular social group, political opinion, or any other protected ground should he be returned to Mexico. *See* 8 U.S.C. § 1231(b)(3)(A) (listing protected grounds); *Malonga v. Holder*, 621 F.3d 757, 764 (8th Cir. 2010) (placing the burden of proof in the withholding context on the applicant). Further, the record does not demonstrate that the Mexican government was unable or unwilling to control the harm Gomez Andrade alleges. *See Menjivar v. Gonzales*, 416 F.3d 918, 921 (8th Cir. 2005) (requiring that the government was “unable or unwilling to control” the harm inflicted). Finally, in light of the fact that Gomez Andrade’s family continues to reside in Mexico unharmed, he did not provide sufficient evidence to prove that he could not safely relocate within Mexico. *See Krasnopivtsev v. Ashcroft*, 382 F.3d 832, 839 (8th Cir. 2004) (“The reasonableness of a fear of persecution is diminished when family members remain in the native country unharmed, and the applicant himself had not been singled out for abuse.”). The judgment is affirmed. *See* 8th Cir. R. 47B.

(claim is waived on appeal where it is not meaningfully argued in opening brief).