

United States Court of Appeals
For the Eighth Circuit

No. 22-2716

Marcia Leneth Barrera-Fonseca; Y.A.

Petitioners

v.

Merrick B. Garland

Respondent

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

Submitted: February 27, 2023

Filed: March 2, 2023

[Unpublished]

Before COLLOTON, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Honduran citizens Marcia Leneth Barrera Fonseca and her minor son, Y.A. (collectively, petitioners), petition for review of an order of the Board of Immigration Appeals (BIA). Having jurisdiction under 8 U.S.C. § 1252, this court denies the petition.

The BIA dismissed petitioners' appeal from the decision of an immigration judge denying their requests for asylum and withholding of removal relief.¹ After a review of the petition and the record, this court finds no basis for reversal. *See De Castro-Gutierrez v. Holder*, 713 F.3d 375, 379 (8th Cir. 2013) (standard of review). Petitioners did not exhaust a challenge to the agency's conclusion that their asylum claim was time-barred, and do not raise the matter on appeal. They also failed to exhaust any challenge to the conclusions that they did not establish: a nexus between any harm they feared and their membership in a proposed protected social group, and that the Honduran government was unable or unwilling to protect them from the harms they feared. Accordingly, such challenges are waived. *See Agha v. Holder*, 743 F.3d 609, 616 (8th Cir. 2014) (noncitizens may appeal only issues exhausted at administrative level); *Chay-Velasquez v. Ashcroft*, 367 F.3d at 756 (waiver for failure to raise claim in opening brief).

As the failures to establish nexus and inability or unwillingness to protect are dispositive of petitioners' asylum and withholding of removal claims, the court declines to consider any remaining arguments.

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

¹The denial of relief under the Convention Against Torture is not before this panel. *See Chay-Velasquez v. Ashcroft*, 367 F.3d 751, 756 (8th Cir. 2004) (claim not raised in opening brief is waived).