

United States Court of Appeals
For the Eighth Circuit

No. 24-1642

Eulalia Lourdes Tino-De La Cruz; P.M.Z.T.

Petitioners

v.

Merrick B. Garland, Attorney General of the United States

Respondent

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

Submitted: September 10, 2024

Filed: September 13, 2024

[Unpublished]

Before GRASZ, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Eulalia Lourdes Tino-De La Cruz, on behalf of herself and her child, *see* 8 U.S.C. § 1158(b)(3)(A)–(B), challenges the denial of asylum and withholding of removal. We have already rejected the argument that a deficient notice to appear deprives the immigration court of jurisdiction. *See Tino v. Garland*, 13 F.4th 708, 709 (8th Cir. 2021) (per curiam); *see also id.* at 709 n.2 (concluding that *Niz-Chavez*

v. Garland, 593 U.S. 155 (2021), “d[id] not . . . disturb[] our jurisdiction-related precedent”). And substantial evidence supports the conclusion that any persecution she suffered or fears is not “*on account of* [her] membership in a particular social group.”¹ *Martinez-Galarza v. Holder*, 782 F.3d 990, 993 (8th Cir. 2015) (explaining the standard of review and what sorts of persecution qualify). We accordingly deny the petition for review. *See* 8th Cir. R. 47B.

¹Given this conclusion, it is unnecessary to address the other arguments she raises. *See Tino*, 13 F.4th at 710; *see also Chay-Velasquez v. Ashcroft*, 367 F.3d 751, 756 (8th Cir. 2004) (discussing waiver).