

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 26 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

OSCAR ANTONIO RODRIGUEZ-
ARTERO,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 17-70037

Agency No. A206-086-902

MEMORANDUM*

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

Submitted October 22, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges.

Oscar Antonio Rodriguez-Artero, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding of removal. Our jurisdiction is governed

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

The BIA found that Rodriguez-Artero's proposed social group of Salvadorian bus drivers was not cognizable. In his appeal to this court, Rodriguez-Artero raises only arguments about the cognizability of the social group of *former* El Salvadorian bus drivers. We lack jurisdiction to consider Rodriguez-Artero's newly proposed social group because he did not raise it in his appeal to the BIA. *Abebe v. Mukasey*, 554 F.3d 1203, 1208 (9th Cir. 2009) (petitioner exhausts "only those issues he raised and argued in his brief before the BIA"). Apart from proposing a new social group, Rodriguez-Artero does not otherwise challenge the BIA's dispositive cognizability finding. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party's opening brief are waived). Thus, we deny the petition as to Rodriguez-Artero's asylum and withholding claims.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.