

United States Court of Appeals
For the Eighth Circuit

No. 20-2576

Ingrid Domingo-Aguilar

Petitioner

v.

Merrick B. Garland¹, Attorney General of the United States

Respondent

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

Submitted: March 22, 2021

Filed: March 25, 2021

[Unpublished]

Before GRUENDER, WOLLMAN, and GRASZ, Circuit Judges.

PER CURIAM.

¹Merrick Garland has been appointed to serve as Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

Guatemalan native and citizen Ingrid Domingo-Aguilar petitions for review of a Board of Immigration Appeals (BIA) order upholding an immigration judge's (IJ's) decision denying asylum. We disagree with Domingo-Aguilar's contentions that the BIA erred by not addressing her asylum claim and by not applying the proper standard of review. We conclude that her primary challenge to the BIA's decision--that she was persecuted based on her membership in two particular social groups--lacks merit. See Gutierrez-Vidal v. Holder, 709 F.3d 728, 731-32 (8th Cir. 2013) (reviewing BIA's decision as final agency action, but to extent IJ's findings or reasoning are adopted, IJ's decision is also reviewed as part of final agency action; asylum claims are reviewed for substantial evidence based on record as whole). Further, we agree with respondent that Domingo-Aguilar has waived any challenge to the determination that she failed to show the Guatemalan government was unwilling or unable to control the private actors who persecuted her. See Cinto-Velasquez v. Lynch, 817 F.3d 602, 604 n.1 (8th Cir. 2016) (waiver of issues); see also Saldana v. Lynch, 820 F.3d 970, 976 (8th Cir. 2016) (to establish persecution arising from conduct of private actors, applicant must show that government either condoned conduct or was unable to protect victims). The petition for review is denied.
