

United States Court of Appeals
For the Eighth Circuit

No. 22-2589

Radai Obed Mendez Dominguez

Petitioner

v.

Merrick B. Garland, Attorney General of the United States

Respondent

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

Submitted: January 25, 2023

Filed: January 30, 2023

[Unpublished]

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

Guatemalan citizen Radai Obed Mendez Dominguez petitions for review of a decision of the Board of Immigration Appeals (BIA) denying his application for withholding of removal and his request for voluntary departure.

Upon careful consideration of the petition and the record, we find no basis for reversal. See Gathungu v. Holder, 725 F.3d 900, 907 (8th Cir. 2013) (standard of review). Mendez Dominguez did not challenge the BIA's dispositive conclusion that he failed to show the Guatemalan government would be unable or unwilling to protect him from his alleged persecutors. See Coreas-Chavez v. Garland, 52 F.4th 413, 416 (8th Cir. 2022) (failure to meaningfully challenge determinative issue of whether government was unable or unwilling to control persecution resulted in waiver of argument); cf. Galloso v. Barr, 954 F.3d 1189, 1193 (8th Cir. 2020), as amended (Apr. 15, 2020) (burden of proof is on petitioner to establish eligibility for relief; petitioner failed to show Mexican government was unable or unwilling to protect her based on country reports and testimony that she did not and would not contact police). As to the denial of voluntary departure, Mendez Dominguez identifies no question of law or constitutional claim on appeal. See Puc-Ruiz v. Holder, 629 F.3d 771, 782 (8th Cir. 2010) (this court lacks jurisdiction to review discretionary denial of voluntary departure unless denial raises colorable question of law or constitutional claim).

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