

United States Court of Appeals
For the Eighth Circuit

No. 24-2786

Amalia Geronima Castro Lucas; B.E.L.C.; B.L.C.

Petitioners

v.

Pamela Bondi, Attorney General of the United States

Respondent

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

Submitted: June 20, 2025

Filed: July 9, 2025

[Unpublished]

Before SMITH, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Guatemalan citizen Amalia Geronima Castro Lucas, individually and on behalf of her minor children, petitions for review of an order of the Board of Immigration Appeals, which affirmed an immigration judge's decision denying her applications

for asylum, withhold of removal, and protection under the Convention Against Torture (CAT).¹

Upon careful consideration, we conclude the agency properly denied Castro Lucas's asylum and withholding-of-removal applications. See 8 U.S.C. §§ 1101(a)(42)(A), 1158(b)(1), 1231(b)(3)(A). Substantial evidence supports the agency's conclusion that Castro Lucas failed to establish a nexus between any persecution she claimed to have suffered or feared, and a protected ground. See Silvestre-Giron v. Barr, 949 F.3d 1114, 1118-19 & n.3 (8th Cir. 2020) (nexus is a factual determination reviewed for substantial evidence); Rivas v. Sessions, 899 F.3d 537, 542 (8th Cir. 2018) (holding BIA permissibly denied petitioner's asylum and withholding-of-removal claims based on failure to show nexus); Martinez-Galarza v. Holder, 782 F.3d 990, 993-94 (8th Cir. 2015) (alleged harm motivated by personal retribution is not valid basis for asylum claim). We also conclude that Carlos Lucas's CAT claim is unexhausted and waived. See Santos-Zacaria v. Garland, 598 U.S. 411, 423 (2023) (exhaustion requirement in 8 U.S.C. § 1252(d)(1) is non-jurisdictional claim-processing rule subject to waiver or forfeiture); Essel v. Garland, 89 F.4th 686, 691 (8th Cir. 2023) (enforcing court-imposed exhaustion requirement when petitioner's counsel failed to present argument to BIA); Chay-Velasquez v. Ashcroft, 367 F.3d 751, 756 (8th Cir. 2004) (claim not raised or meaningfully argued in opening brief is deemed waived).

Accordingly, the petition for review is denied. See 8th Cir. R. 47B.

¹We refer to Castro Lucas because her children's applications are derivative of their mother's application. See 8 U.S.C. § 1158(b)(3)(A), (B). There are no derivative benefits for withholding of removal or relief under the CAT. See Fuentes v. Barr, 969 F.3d 865, 868 n.1 (8th Cir. 2020).