

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-1001**

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RAMON ABEL CRUZ-ZELAYA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

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

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Submitted: July 22, 2016

Decided: August 3, 2016

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Before NIEMEYER, KEENAN, and WYNN, Circuit Judges.

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Petition dismissed in part and denied in part by unpublished per curiam opinion.

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Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington, Virginia, for Petitioner. Benjamin C. Mizer, Principal Deputy Assistant Attorney General, Mark C. Walters, Acting Assistant Director, Maarja T. Luhtaru, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ramon Abel Cruz-Zelaya, a native and citizen of El Salvador, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing his appeal from the immigration judge's denial of Cruz-Zelaya's requests for asylum, withholding of removal, and protection under the Convention Against Torture.

On appeal, Cruz-Zelaya challenges the agency's determination that he failed to establish changed or extraordinary circumstances to excuse the untimely filing of his asylum application. See 8 U.S.C. § 1158(a)(2)(B), (D) (2012). We lack jurisdiction to review this determination pursuant to 8 U.S.C. § 1158(a)(3) (2012), and conclude that Cruz-Zelaya has failed to raise a constitutional claim or question of law that would fall under the exception to this jurisdictional bar set forth in 8 U.S.C. § 1252(a)(2)(D) (2012). See Mulyani v. Holder, 771 F.3d 190, 196-97 (4th Cir. 2014); Gomis v. Holder, 571 F.3d 353, 358-59 (4th Cir. 2009). Given this jurisdictional bar, we cannot review the underlying merits of Cruz-Zelaya's asylum claims. Accordingly, we dismiss this portion of the petition for review.

Cruz-Zelaya also challenges the agency's finding that he failed to demonstrate eligibility for withholding of removal and protection under the Convention Against Torture. We have thoroughly reviewed the record, including the transcript of Cruz-Zelaya's merits hearing and all supporting evidence. We conclude

that the record evidence does not compel a ruling contrary to any of the administrative factual findings, see 8 U.S.C. § 1252(b)(4)(B) (2012), and that substantial evidence supports the Board's decision. See INS v. Elias-Zacarias, 502 U.S. 478, 481 (1992). Accordingly, we deny the petition for review in part for the reasons stated by the Board. See In re Cruz-Zelaya (B.I.A. Dec. 1, 2015).

We therefore dismiss in part and deny in part the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DISMISSED IN PART  
AND DENIED IN PART