

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-1996

JANETH MARIBEL HERNANDEZ-ZALDIVAR; D.I.L.H.; J.A.O.H.,

Petitioners,

v.

MERRICK B. GARLAND, Attorney General,

Respondent.

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

Submitted: October 7, 2021

Decided: January 11, 2022

Before GREGORY, Chief Judge, and MOTZ and QUATTLEBAUM, Circuit Judges.

Petition dismissed in part and denied in part by unpublished per curiam opinion.

Hale W. Hawbecker, LAW OFFICE OF HALE HAWBECKER, Woodbridge, Virginia, for Petitioners. Brian Boynton, Acting Assistant Attorney General, Matthew B. George, Senior Litigation Counsel, Andrew B. Insenga, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Janeth Maribel Hernandez-Zaldivar and her minor children, all natives and citizens of Honduras, petition for review of an order of the Board of Immigration Appeals (Board) dismissing their appeal from the Immigration Judge’s (IJ) decision denying Hernandez-Zaldivar’s application for asylum. For the reasons that follow, we dismiss in part and deny in part the petition for review.

First, while Hernandez-Zaldivar faults the IJ for not considering certain evidence submitted in support of her asylum application, she failed to present this argument to the Board. As a result, this claim is unexhausted, so we dismiss this part of the petition for lack of jurisdiction. *See Cabrera v. Barr*, 930 F.3d 627, 631 (4th Cir. 2019) (“[A]rguments that a petitioner did not raise in the [Board] proceedings have not been exhausted and th[is] Court lacks jurisdiction to consider them.”); *see also* 8 U.S.C. § 1252(d)(1).

Regarding Hernandez-Zaldivar’s other arguments, we have thoroughly reviewed the record and conclude that the evidence does not compel a ruling contrary to any of the administrative factual findings, *see* 8 U.S.C. § 1252(b)(4)(B), and that substantial evidence supports the denial of relief, *see INS v. Elias-Zacarias*, 502 U.S. 478, 481 (1992). Accordingly, we deny the remainder of Hernandez-Zaldivar’s petition for review for the reasons stated by the Board. *In re Hernandez-Zaldivar* (B.I.A. Aug. 25, 2020).

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