

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 18, 2013

Lyle W. Cayce
Clerk

No. 13-60167

Summary Calendar

LUIS ALBERTO VASQUEZ-HERNANDEZ, also known as Luisd Alberyo Vasquez-Hernandez,

Petitioner

v.

ERIC H. HOLDER, JR., U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A087 767 991

Before KING, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

Luis Alberto Vasquez-Hernandez, a native and citizen of Mexico, seeks our review of a decision by the Board of Immigration Appeals (BIA) dismissing his appeal of a decision of the Immigration Judge (IJ) that denied his applications for withholding of removal and relief under the Convention Against Torture (CAT). During his removal proceedings, Vasquez-Hernandez claimed that he was entitled to relief because there was a clear probability that he would be

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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recruited by a drug cartel if he were returned to Mexico due to his membership in a particular social group, specifically young men recruited by cartels, and because there was a clear probability that he would be kidnaped and held for ransom due to his membership in another particular social group, specifically persons who have lived in the United States and are thus perceived as wealthy. In addition, he claimed relief under the CAT due to his fear of torture.

The respondent has moved for summary disposition, arguing that Vasquez-Hernandez's issues are foreclosed by *Castillo-Enriquez v. Holder*, 690 F.3d 667, 668 (5th Cir. 2012), and *Orellana-Monson v. Holder*, 685 F.3d 511, 521-22 (5th Cir. 2012). Vasquez-Hernandez opposes the motion.

Summary disposition is not appropriate in this case, and the respondent's motion is thus denied. *See United States v. Holy Land Found. for Relief and Dev.*, 445 F.3d 771, 781 (5th Cir. 2006). However, because the record before us does not compel findings different from those of the IJ or the BIA, *see Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006), we dispense with further briefing.

Vasquez-Hernandez's claim that his proposed social group, young men who are recruited by cartels, lacks the requisite particularity to be cognizable for purposes of withholding of removal. *See Orellana-Monson*, 685 F.3d at 521-22. Vasquez-Hernandez's claim that his proposed social group, individuals returning to Mexico from the United States who are perceived as wealthy, likewise lacks the requisite particularity to be cognizable for purposes of withholding of removal; moreover, economic extortion is not a form of persecution under immigration law. *See Castillo-Enriquez*, 690 F.3d at 668.

Finally, concerning Vasquez-Hernandez's application for relief under the CAT, he presented no evidence of past torture, *see* 8 C.F.R. § 208.16(c)(3), or evidence that, if deported to Mexico, it is more likely than not that he will suffer torture by the instigation or acquiescence of the Mexican government. 8 C.F.R. § 208.16(c)(2); *Chen*, 470 F.3d at 1139. In light of the foregoing, Vasquez-Hernandez's petition for review is denied.

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DISPENSE WITH FURTHER BRIEFING; MOTION FOR SUMMARY
DISPOSITION DENIED; PETITION FOR REVIEW DENIED.