

August 4, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60901
Summary Calendar

ISAU ALEXANDER FLORES-PORTILLO,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A77 445 199

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Isau Alexander Flores-Portillo petitions for review of an order of the Board of Immigration Appeals ("BIA") summarily affirming the immigration judge's ("IJ") decision to deny his application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). Flores-Portillo argues that the IJ erroneously determined that he failed to show membership in a cognizable social group, i.e. Honduran street children. He argues that he showed past persecution and a fear

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of future persecution by the Honduran government because of pervasive violence against street children. He further argues that he demonstrated persecution at the hand of his abusive father.

After reviewing the record and the briefs, we conclude that the decision is supported by substantial evidence and that the evidence in the record does not compel a conclusion contrary to that reached by the IJ and BIA. See INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992); Mikhael v. INS, 115 F.3d 299, 302 (5th Cir. 1997). For example, Flores-Portillo's alleged social group is so broad that it is questionable whether it is a cognizable social group with a characteristic innate or fundamental to the group's identity and whether Flores-Portillo suffered harm because of membership in such a group. Further, violence in Honduras has been experienced by both adults and children, and the Honduran government has responded with investigations and prosecutions, although problems remain. Moreover, the domestic abuse suffered by Flores-Portillo came from a father who he testified frequently drank and abused his family.

The petition for review is DENIED.