

# UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-2779

JEINMY MARITZA HERAS-CAMPOVERDE; L. M.-H.,  
Petitioners  
v.

ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA

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On Petition for Review of an Order of the Board of Immigration Appeals  
Temporary Appellate Immigration Judge Reid, Nos. A249-015-270 & -271

Before: HARDIMAN, BIBAS, and RENDELL, *Circuit Judges*  
Submitted: Sept. 18, 2026; Filed: Sept. 22, 2026

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## NONPRECEDENTIAL OPINION\*

BIBAS, *Circuit Judge*. Jeinmy Maritza Heras-Campoverde and her son L. M.-H. are Ecuadorians. Heras-Campoverde lived in Ecuador with her boyfriend Leonardo, and the two had L. M.-H. together. For years, Leonardo raped Heras-Campoverde and was physically violent, so she moved out and took their son with her. Then Leonardo showed up at her work, started texting her, and told her, “now there’s no cameras, nobody to defend you,” so she “must return home.” AR 125, 134. She reported him to the police and got a protection order. Even so, he told her, “Do you think that with a piece of paper you are going to stop me?” AR 135–36. Next, he started threatening more violence, predicting robbery and murders that later unfolded exactly as he said. He also joined a gang. She moved away, changed her phone, and did not hear from him any more. But Leonardo tried to recruit their son, L. M.-H., into his gang. So she and her son left Ecuador and entered this country

\*This is not an opinion of the full Court and, under 3d Cir. IOP 5.7, is not binding precedent.

illegally. When Leonardo learned that, he called her sister and threatened to have Heras-Campoverde killed.

After coming here, Heras-Campoverde and L. M.-H. were caught and claimed asylum, withholding of removal, and protection under the Convention Against Torture. The immigration judge denied relief, rejecting her four proposed groups: “Ecuadorian women” and “Ecuadorian women in domestic relationships,” he reasoned, are too broad. AR 59. “Ecuadorian women unable to leave their domestic relationships” is also too broad, plus Heras-Campoverde does not belong to it because she *was* able to leave. *Id.* And “Ecuadorian women viewed as property by virtue of their domestic relationships” is circular and unclear. AR 60. In addition, though Leonardo had inflicted “horrendous” abuse on her, it was not because she belonged to any group. *Id.* There was little evidence that the Ecuadorian government would not or could not protect her or would acquiesce in her torture; on the contrary, she had gotten a protection order. She could also relocate safely within Ecuador, so she was unlikely to face future persecution or torture. The Board of Immigration Appeals affirmed, finding all four groups too broad and the latter three unclear.

We review both decisions’ factual findings for substantial evidence, treating their findings of fact as conclusive “unless any reasonable adjudicator would be compelled to conclude to the contrary.” 8 U.S.C. § 1252(b)(4)(B). We review *de novo* the mixed questions whether particular social groups are cognizable and whether the agency properly analyzed the Convention claim. *S.E.R.L. v. Att’y Gen. U.S.*, 894 F.3d 535, 543 (3d Cir. 2018); *Quinteros v. Att’y Gen. U.S.*, 945 F.3d 772, 786 (3d Cir. 2019).

First, Heras-Campoverde asks us to overrule *S.E.R.L.*, arguing that it rested on *Chevron* deference, which the Supreme Court has since jettisoned. Pet’rs’ Br. 15 (citing *Chevron U.S.A., Inc. v. NRDC, Inc.*, 467 U.S. 837 (1984), *overruled by Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024)). But *Loper Bright* left *Chevron*-based precedents alone. *See* 603 U.S. at 412. And absent an intervening Supreme Court precedent that disturbs them, a panel of this Court cannot overrule an earlier panel decision. 3d Cir. I.O.P. 9.1.

Second, Heras-Campoverde argues that her proposed social groups are particular and narrow enough to be cognizable. But her argument collides with our precedent. Grouping Guatemalan women, we have held, “is overbroad because no factfinder could reasonably conclude that all of a country’s women had a well-founded fear of persecution based solely on their” sex. *Chavez-Chilel v. Att’y Gen. U.S.*, 20 F.4th 138, 146 (3d Cir. 2021) (cleaned up). True, there may be rare exceptions, as when all Somali women reasonably fear female genital mutilation. *Id.* (citing with approval *Hassan v. Gonzales*, 484 F.3d 513, 518 (8th Cir. 2007)). But this is not such a rare case, and no record evidence supports such a claim.

Third, Heras-Campoverde disputes that the relationship-based groups are too vague, arguing that the bounds of a “domestic relationship” are clear enough. For the first time, she now claims that a boyfriend-girlfriend relationship could be covered. But she failed to exhaust that contention before the immigration judge or Board, so it is not properly before us. 8 U.S.C. § 1252(d)(1).

Fourth, Heras-Campoverde never showed that she and her son faced persecution *because of* their membership in any of these groups. As the immigration judge found, she suffered

not because of animus against those groups, but because of her personal relationship with her ex-boyfriend. “Conflicts of a personal nature and isolated criminal acts do not constitute persecution on account of a protected characteristic.” *Gonzalez-Posadas v. Att’y Gen. U.S.*, 781 F.3d 677, 685 (3d Cir. 2015). Nor does she refute the immigration judge’s finding that she and her son could safely live elsewhere in Ecuador. We will thus DENY the petition for review.