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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DIEGO VENANCIO SAQUIC-SACCHE,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 05-71178

Agency No. A072-529-609

MEMORANDUM*

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

Submitted March 18, 2009**

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Diego Venancio Saquic-Sacche, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ order summarily affirming the immigration judge’s (“IJ”) decision denying his application for asylum,

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), we deny the petition for review.

Substantial evidence supports the IJ’s denial of asylum because Saquic-Sacche failed to establish that the guerillas’ attempt to recruit him was on account of a protected ground, *see Pedro-Mateo v. INS*, 224 F.3d 1147, 1151 (9th Cir. 2000); *see also Elias-Zacarias*, 502 U.S. at 482-83 (guerrilla attempt to recruit an alien, taken alone, is insufficient to compel a finding of persecution on account of political opinion), and he failed to establish that any future problems he might have with the guerillas or the government stems from a protected ground, *see Elias-Zacarias*, 502 U.S. at 482-83. Moreover, Saquic-Sacche did not establish that the deaths of his cousins and disappearance of his nephew over a ten year period were connected to him. *See Arriaga-Barrientos v. INS*, 937 F.2d 411, 414 (9th Cir. 1991) (requiring that any pattern of persecution be “closely tied to the petitioner”). Accordingly, Saquic-Sacche’s asylum claim fails.

Because Saquic-Sacche failed to satisfy the lower standard of proof for asylum, it necessarily follows that he failed to satisfy the more stringent standard

for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Substantial evidence further supports the IJ's determination that Saquic-Sacche failed to establish it is more likely than not he would be tortured if returned to Guatemala. *See Singh v. Gonzales*, 439 F.3d 1100, 1113 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.