

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 24 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SHAMBHU PRASAD DHAKAL,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-75663

Agency No. A097-349-967

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.

Shambhu Prasad Dhakal, a native and citizen of Nepal, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding

* 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).

of removal. 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 BIA's conclusion that Dhakal failed to establish that he was or would be persecuted on account of a protected ground because the record does not compel the conclusion that the Maoists who sought to extort money from him were motivated by more than economic interest. *See id.* at 482-84; *cf. Borja v. INS*, 175 F.3d 732, 735-36 (9th Cir. 1999) (explaining that 'extortion plus' is necessary to satisfy nexus requirement). Accordingly, he failed to establish eligibility for asylum. *See id.* at 481.

Because Dhakal failed to establish eligibility for asylum, he necessarily failed to meet the more stringent requirements for withholding of removal. *See Zehatye*, 453 F.3d at 1190.

PETITION FOR REVIEW DENIED.