

APR 21 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANTONIO MORENO-ARCE; et al.,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 05-72093

Agency Nos. A075-301-730
A075-301-731
A075-301-732
A075-301-733
A075-301-734

MEMORANDUM*

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

Submitted April 16, 2009**
San Francisco, California

Before: T.G. NELSON, KLEINFELD and M. SMITH, Circuit Judges.

Antonio Moreno-Arce petitions for review of the denial of his application for asylum, and of the denial of the derivative application of his family members.

We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

* 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).

The evidence is not such “that a reasonable factfinder would have to conclude” Moreno-Arce experienced past persecution or a well-founded fear of future persecution on account of political opinion. *See INS v. Elias-Zacarias*, 502 U.S. 478, 481 & n.1 (1992). Even assuming the institution that denied Moreno-Arce a loan was a government entity, the denial of the loan and the unfulfilled threats do not rise to the level of persecution. *See Mashiri v. Ashcroft*, 383 F.3d 1112, 1119 (9th Cir. 2004). Additionally, the record lacks direct and specific evidence supporting a reasonable fear of persecution on account of political opinion should Moreno-Arce return to Mexico. *See Mansour v. Ashcroft*, 390 F.3d 667, 673 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.