

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 29 2009

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

DENNIS SMITH MENJIVAR-
MENJIVAR,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 08-70567

Agency No. A044-008-557

MEMORANDUM*

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

Submitted June 16, 2009**

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Dennis Smith Menjivar-Menjivar, a native and citizen of Honduras, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for protection

* 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).

under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Singh v. Ashcroft*, 351 F.3d 435, 438 n.2 (9th Cir. 2003), and we deny the petition for review.

Substantial evidence supports the BIA’s conclusion that Menjivar-Menjivar failed to establish that it is more likely than not he would be tortured in Honduras. *See id.* at 443. Accordingly, his application for deferral of removal under CAT fails.

PETITION FOR REVIEW DENIED.