

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 24 2009

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

OSCAR ALEXANDER SERRANO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72171

Agency No. A029-150-844

MEMORANDUM\*

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

Submitted July 14, 2009\*\*

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Oscar Alexander Serrano, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum,

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\* 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. We review for substantial evidence, *Arteaga v. Mukasey*, 511 F.3d 940, 944 (9th Cir. 2007), and we deny the petition for review.

Substantial evidence supports the agency’s denial of asylum because Serrano failed to demonstrate that the harms he experienced at the hands of the police were on account of a protected ground, *see Alonzo v. INS*, 915 F.2d 546, 548 (9th Cir. 1990), or that he has a well-founded fear of future persecution by either the police or gang members on account of a protected ground, *see Sanchez-Trujillo v. INS*, 801 F.2d 1571, 1579-81 (9th Cir. 1987); *Arteaga*, 511 F.3d at 945-46 (holding that former gang members do not comprise a particular social group).

Because Serrano failed to establish eligibility for asylum, he necessarily failed to meet the more stringent standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Substantial evidence supports the agency’s denial of CAT protection because Serrano failed to establish it is more likely than not he would be tortured if returned to El Salvador. *See Arteaga*, 511 F.3d at 948-49.

**PETITION FOR REVIEW DENIED.**