

SEP 28 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CARLOS JAIR TOBAR OREJUELA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-71995

Agency No. A072-439-130

MEMORANDUM*

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

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Carlos Jair Tobar Orejuela, a native and citizen of Colombia, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) decision denying his application for asylum and

* 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. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), and we deny the petition.

Substantial evidence supports the IJ's conclusion that Tobar Orejuela failed to establish eligibility for asylum and withholding of removal because he did not show he was or would be persecuted in Colombia on account of a protected ground. *See id.* at 483-84. Accordingly, Tobar Orejuela's asylum and withholding of removal claims fail. *See Ochoa v. Gonzales*, 406 F.3d 1166, 1170-72 (9th Cir. 2005) (affirming BIA's denial of asylum and withholding of removal where petitioners failed to prove their persecution was on account of social group or imputed political opinion).

PETITION FOR REVIEW DENIED.