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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MILCAH TIZO MILITANTE,

Petitioner,

v.

ERIC H. HOLDER Jr.,\* Attorney General,

Respondent.

No. 07-73929

Agency No. A079-610-423

MEMORANDUM\*\*

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

Submitted October 15, 2009\*\*\*  
Seattle, Washington

Before: RAWLINSON and CALLAHAN, Circuit Judges, and BURNS,\*\*\*\*  
District Judge.

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\* Eric H. Holder Jr. is substituted for his predecessor Michael B. Mukasey as Attorney General of the United States. Fed. R. App. P. 43(c)(2).

\*\* 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 Honorable Larry A. Burns, U.S. District Judge for the Southern District of California, sitting by designation.

Milcah Tizo Militante (Militante), a native and citizen of the Philippines, petitions for review of a Board of Immigration Appeals decision affirming the immigration judge's denial of her requests for asylum, withholding of removal, and relief pursuant to the Convention Against Torture.

Substantial evidence supports the denial of asylum. Militante failed to establish past persecution because the threats she received were anonymous and vague, creating no sense of immediate physical violence. *See Nahrvani v. Gonzales*, 399 F.3d 1148, 1153-54 (9th Cir. 2005). The record does not compel the conclusion that Militante established a well-founded fear of future persecution. The threats were made by unknown perpetrators and did not escalate in severity, the political climate has changed, and Militante's family remains unharmed in the Philippines. *See Gu v. Gonzales*, 454 F.3d 1014, 1022 (9th Cir. 2006).

Militante's failure to meet the lower burden of proof for asylum defeats her claim for withholding of removal. *See Mansour v. Ashcroft*, 390 F.3d 667, 673 (9th Cir. 2004).

Substantial evidence supports the denial of relief under the Convention Against Torture because Militante's evidence failed to establish that she was tortured. *See Kumar v. Gonzales*, 444 F.3d 1043, 1047, 1055 (9th Cir. 2006), *as amended* (holding that a beating by police officers with wooden sticks and leather belts did not amount to torture).

**PETITION DENIED.**