

DEC 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARCO ANTONIO CHAVEZ
LOZOYA; ANA MARIA REYES ROJO,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-75350

Agency Nos. A095-445-442

A095-445-443

MEMORANDUM*

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

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Marco Antonio Chavez Lozoya and Ana Maria Reyes Rojo, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order affirming an immigration judge's decision denying Chavez

* 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).

Lozoya's application for cancellation of removal and voluntary departure, and Reyes Rojo's application for withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence factual findings, *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008), we deny the petition for review.

Substantial evidence supports the BIA's determination that Chavez Lozoya's false testimony was motivated in part by a desirable outcome in his immigration proceedings, barring him from establishing the good moral character required for cancellation of removal. *See* 8 U.S.C. § 1101(f)(6); *Ramos v. INS*, 246 F.3d 1264, 1266 (9th Cir. 2001).

Even assuming Reyes Rojo's membership in a social group, substantial evidence supports the BIA's determination that she failed to demonstrate that she has a well-founded fear of persecution. *See Rostomian v. INS*, 210 F.3d 1088, 1089 (9th Cir. 2000) (general civil strife or widespread random violence is not sufficient to demonstrate a well-founded fear of persecution). Because Reyes Rojo failed to meet the lesser standard for eligibility for asylum, she necessarily failed to establish eligibility for withholding of removal. *See id.*

PETITION FOR REVIEW DENIED.