

DEC 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ROWENA MEDINA ROBLES,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-71784

Agency No. A079-638-444

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.

Rowena Medina Robles, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s decision denying her application for asylum,

* 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 relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Lim v. INS*, 224 F.3d 929, 933 (9th Cir. 2000), and we deny the petition for review.

The BIA denied Robles’ asylum application as time-barred. Robles does not challenge this determination in her opening brief.

Substantial evidence supports the BIA’s finding that Robles failed to establish past persecution because the threats from National People’s Army rebels and other incidents that occurred on her family’s ranch did not rise to the level of persecution. *See id.* at 936-37. Substantial evidence also supports the BIA’s finding that Robles did not demonstrate a clear probability of persecution because her immediate family stopped receiving threats in 2003 and since that time have remained in the Philippines without incident. *See Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000). Accordingly, Robles’ withholding of removal claim fails.

Robles does not raise any challenge to the BIA’s denial of her CAT claim. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not supported by argument in the opening brief are deemed waived).

PETITION FOR REVIEW DENIED.