

DEC 22 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>NORA HILDA MARTINEZ-LINARES, et al.,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 07-74220

Agency Nos. A078-959-542
A098-428-979

MEMORANDUM*

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

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Nora Hilda Martinez-Linares and her son, natives and citizens of El Salvador, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. Fed. R. App. P. 34(a)(2).

application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *See Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004). We deny the petition for review.

The record does not compel the conclusion that changed or extraordinary circumstances excused the untimely filing of Martinez-Linares’ asylum application. *See* 8 C.F.R. § 1208.4(a)(4), (5); *Ramadan v. Gonzales*, 479 F.3d 646, 656–58 (9th Cir. 2007) (per curiam). We therefore uphold the agency’s denial of her asylum claim.

Substantial evidence supports the agency’s finding that Martinez-Linares failed to demonstrate a clear probability that her “life or freedom would be threatened” upon her return to El Salvador. *See* 8 C.F.R. § 1208.16(b); *Al-Harbi v. INS*, 242 F.3d 882, 888–89 (9th Cir. 2001). We therefore uphold the agency’s denial of withholding of removal.

PETITION FOR REVIEW DENIED.