

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 23 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

LAZARO BARTOLOME PORTILLO-  
VALLADARES,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-70092

Agency No. A078-925-257

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.

Lazaro Bartolome Portillo-Valladares, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his

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\* 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. *See* Fed. R. App. P. 34(a)(2).

application for asylum, withholding of removal, and the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), except to the extent that deference is owed to the BIA’s determination of the governing statutes and regulations, *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We review factual findings for substantial evidence. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny the petition for review.

We reject Portillo-Valladares’ claim that he is eligible for asylum and withholding of removal on the basis of his anti-gang political opinion or his membership in a particular social group, namely, young Salvadoran men who have fled gang recruitment. *See Barrios v. Holder*, 581 F.3d 849, 854-56 (9th Cir. 2009) (rejecting as a particular social group “young males in Guatemala who are targeted for gang recruitment but refuse because they disagree with the gang’s criminal activities”); *Santos-Lemus v. Mukasey*, 542 F.3d 738, 745-47 (9th Cir. 2008) (rejecting as a particular social group “young men in El Salvador resisting gang violence”) (internal quotation omitted). Moreover, substantial evidence supports the BIA’s finding that Portillo-Valadares failed to demonstrate the El Salvadoran government was unwilling or unable to control his alleged persecutors.

*See Castro-Perez v. Gonzales*, 409 F.3d 1069, 1070-72 (9th Cir. 2005).

Accordingly, we deny the petition as to Portillo-Valladares' asylum and withholding of removal claims. *See Barrios*, 531 F.3d at 854.

Substantial evidence also supports the BIA's denial of CAT relief because Portillo-Villadares did not establish a likelihood of torture by, at the instigation of, or with the consent or acquiescence of the El Salvadoran government. *See Arteaga v. Mukasey*, 511 F.3d 940, 948-49 (9th Cir. 2007).

**PETITION FOR REVIEW DENIED.**