

DEC 29 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANIBAL ADOLIO GIRON MARTINEZ,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-71647

Agency No. A072-536-294

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.

Anibal Adolio Giron Martinez, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision denying his application for asylum and

* 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).

withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), and we deny the petition for review.

Giron Martinez testified he fears personal retribution from former civil patrol members who hold a grudge against him for leaving Guatemala without serving in the military. Substantial evidence supports the IJ's conclusion that Giron Martinez did not establish a well-founded fear on account of a protected ground if he returns to Guatemala. *See Ochoa v. Gonzales*, 406 F.3d 1166, 1170-72 (9th Cir. 2005) (concluding that petitioners failed to prove their fear of persecution was on account of a protected ground); *see also Molina-Morales v. INS*, 237 F.3d 1048, 1052 (9th Cir. 2001) (personal retribution is not persecution on account of a protected ground). Accordingly, his asylum and withholding of removal claims fail.

PETITION FOR REVIEW DENIED.