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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ERICK ESTUARDO AJANEL-SANCHEZ; 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. 07-71385

Agency Nos. A073-219-305
A076-674-012

MEMORANDUM*

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

Submitted December 15, 2009**

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

Erick Estuardo Ajanel-Sanchez, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from 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 pursuant to 8 U.S.C. § 1252. We review for substantial evidence. *Lata v. INS*, 204 F.3d 1241, 1244 (9th Cir. 2000). We deny the petition for review.

We conclude that the IJ's nexus determination is not supported by substantial evidence because the guerillas threatened to kill Ajanel-Sanchez based on their belief that he supported the military. *See Navas v. INS*, 217 F.3d 646, 656-57 (9th Cir. 2000).

Even assuming Ajanel-Sanchez suffered past persecution, his presumption of well-founded fear is rebutted by changed country conditions. *See Gonzalez-Hernandez v. Ashcroft*, 336 F.3d 995, 997-98 (9th Cir. 2003). Accordingly, Ajanel-Sanchez's asylum and withholding of removal claims fail.

PETITION FOR REVIEW DENIED.