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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GILMAR LORENZO MANSUJETO,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-71831

Agency No. A098-263-545

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.

Gilmar Lorenzo Mansujeto, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's 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, *Hoxha v. Ashcroft*, 319 F.3d 1179, 1182 n.4 (9th Cir. 2003), and we deny the petition for review.

The record does not compel the conclusion that Mansujeto has established extraordinary circumstances excusing the untimely filing of his asylum application. *See* 8 C.F.R. § 208.4(a)(5). Accordingly, his asylum claim fails.

Substantial evidence supports the agency's denial of withholding of removal because Mansujeto did not establish the threats made by rebel groups amounted to past persecution, or that he faces a clear probability of future persecution based on these threats. *See Hoxha*, 319 F.3d at 1182, 1185.

PETITION FOR REVIEW DENIED.