NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUIS AMILCAR ORELLANA,	No. 07-71991
Petitioner,	
v.	Agency No. A096-179-916
ERIC H. HOLDER Jr., Attorney General,	MEMORANDUM [*]
Respondent.	

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

Submitted January 11, 2010 [**]

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Luis Amilcar Orellana, a native and citizen of Guatemala, petitions for

review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal

from an immigration judge's decision denying his application for asylum,

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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).

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

Because petitioner did not establish he was targeted on account of his political opinion, imputed or actual, *see Sangha v. INS*, 103 F.3d 1482, 1489-90 (9th Cir. 1997), substantial evidence supports the agency's conclusion that Orellana did not establish that he was or would be persecuted on account of a protected ground, *see Ochoa v. Gonzales*, 406 F.3d 1166, 1170-72 (9th Cir. 2005) (affirming BIA's denial of asylum and withholding of removal where petitioners failed to establish their persecution was on account of social group or imputed political opinion). Accordingly, Orellana's asylum and withholding of removal claims fail. *See id*.

Substantial evidence also supports the agency's denial of CAT relief because Orellana failed to establish that it is more likely than not he will be tortured in Guatemala. *See Wakkary v. Holder*, 558 F.3d 1049, 1067-68 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.