

FEB 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SALVADOR AGUILAR-MORATAYA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-74864

Agency No. A098-440-141

MEMORANDUM*

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

Submitted February 16, 2010**
San Francisco, California

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Salvador Aguilar-Morataya, a native and citizen of El Salvador, petitions for review of a decision of the Board of Immigration Appeals dismissing his appeal

* 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).

from the immigration judge's denial of his applications for asylum, withholding of removal and relief under the Convention Against Torture.

We agree with the BIA's conclusion that petitioner has not established eligibility for asylum based on his membership in a particular social group. *See 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"). In addition, substantial evidence supports the agency's finding that petitioner did not demonstrate the threats he received from gang members demanding money established past persecution or a well-founded fear of future persecution on account of his political opinion. *See id.* at 746-47.

Because Aguilar-Morataya failed to demonstrate that he was persecuted on account of a protected ground, we deny the petition as to the asylum and withholding of removal claims. *See Barrios v. Holder*, 581 F.3d 849, 856 (9th Cir. 2006).

Finally, we agree with the BIA that Aguilar-Morataya was not entitled to CAT relief based on his failure to show that it is more likely than not that he would be tortured if returned to El Salvador. *See Santos-Lemus*, 542 F.3d at 747-48.

PETITION FOR REVIEW DENIED.