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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUIS PEDRO GARCIA-VICENTE, aka
Jaime Sergio Hernandez-Gomez,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 09-70189

Agency No. A098-896-462

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.

Luis Pedro Garcia-Vicente, a native and citizen of Guatemala, petitions pro
se for review of a decision of the Board of Immigration Appeals dismissing his

* 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).

appeal from the immigration judge's denial of his applications for asylum, and withholding of removal.

We reject Garcia-Vicente's claim that he is eligible for asylum and withholding of removal based on his membership in a particular social group, namely Guatemalan males who refuse to join gangs, or based on his anti-gang political opinion. *See Santos-Lemus v. Mukasey*, 542 F.3d 738, 745-46 (9th Cir. 2008) (rejecting as a particular social group "young men in El Salvador resisting gang violence"); *Barrios v. Holder*, 581 F.3d 849, 854-56 (9th Cir. 2009) (refusal to join a gang does not amount to political opinion.)

Accordingly, because Garcia-Vicente failed to demonstrate that he was persecuted on account of a protected ground, we deny the petition for review.

PETITION FOR REVIEW DENIED.