

APR 14 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LASSAAD BENHASSINE,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 06-70514

Agency No. A075-118-820

MEMORANDUM*

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

Submitted April 5, 2010**

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Lassaad Benhassine, native and citizen of Tunisia, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s decision (“IJ”) denying his application for withholding of removal. We

* 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).

have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *Fisher v. INS*, 79 F.3d 955, 961 (9th Cir. 1996), we deny the petition for review.

Benhassine fears persecution in Tunisia on account of his refusal to shave his beard. Substantial evidence supports the IJ's denial of withholding of removal because the harm Benhassine fears he may suffer is too speculative and he does not establish it is more likely than not he will be persecuted. *See Hoxha v. Ashcroft*, 319 F.3d 1179, 1185 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.