

APR 15 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SANTOS RODAS DE LEON;
MARCELA JULIETA ARRIAGA-
SANTIZO,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-74859

Agency Nos. A098-429-775
A098-429-776

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.

Santos Rodas De Leon and his wife, natives and citizens of Guatemala,
petition pro se for review of the Board of Immigration Appeals' ("BIA") order

* 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).

dismissing their appeal from an immigration judge's decision denying their application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence factual findings, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), and we review de novo questions of law, *Rivera v. Mukasey*, 508 F.3d 1271, 1274-75 (9th Cir. 2007). We deny the petition for review.

Rodas De Leon fears persecution from the National Advancement Party based on his uncle's political activities. Substantial evidence supports the agency's conclusion that Rodas De Leon did not establish that he was or would be persecuted on account of an actual or imputed political opinion. *See Sangha v. INS*, 103 F.3d 1482, 1489-90 (9th Cir. 1997); *Ochoa v. Gonzales*, 406 F.3d 1166, 1170-72 (9th Cir. 2005). Accordingly, petitioners' asylum and withholding of removal claims fail. *See Ochoa*, 406 F.3d at 1172.

Finally, petitioners' due process claim that the BIA failed to consider all of their evidence fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (no due process violation where no prejudice).

PETITION FOR REVIEW DENIED.