

JUN 04 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>WEI ZHANG,</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. 07-72640

Agency No. A097-870-456

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Wei Zhang, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum and 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).

review for substantial evidence. *See Li v. Holder*, 559 F.3d 1096, 1102 (9th Cir. 2009). We grant the petition for review, and remand.

Zhang credibly testified he was detained by police for 15 days and beaten three times as a result of his protest against unsafe working conditions at a state-owned textile factory. Zhang's repeated requests for medical attention were ignored, and as a result, Zhang suffered permanent hearing loss to his left ear and a scar on his head. As a result of his detention, he lost his job at the textile factory, and was required to report to the police on a bi-weekly basis. Substantial evidence does not support the agency's denial of asylum and withholding of removal because the record compels the conclusion that the cumulative effect of these events rose to the level of persecution on account of Zhang's political opinion. *See Guo v. Ashcroft*, 361 F.3d 1194, 1203 (9th Cir. 2004); *Korablina v. INS*, 158 F.3d 1038, 1044 (9th Cir. 1998). Accordingly, we grant the petition as to Zhang's asylum and withholding of removal claims and remand for the agency to apply the presumptions of a well-founded fear of persecution and of eligibility for withholding of removal. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

We deny Zhang's motion for a stay of removal as moot.

We request that this case be assigned to a different immigration judge. *See Arulampalam v. Ashcroft*, 353 F.3d 679, 689 (9th Cir. 2003).

PETITION FOR REVIEW GRANTED; REMANDED.