

JUN 07 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ELISEO BENJAMIN DE LEON-
MALDONADO,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-75120

Agency No. A072-172-513

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.

Eliseo Benjamin De Leon-Maldonado, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum.

We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial

* 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).

evidence, *Lim v. INS*, 224 F.3d 929, 933 (9th Cir. 2000), and we deny the petition for review.

De Leon-Maldonado testified that he was not detained, physically harmed, or directly threatened by the guerillas. Substantial evidence supports the agency's determination that he did not establish past persecution based on his membership in a civil defense patrol. *See id.* at 936. Substantial evidence also supports the agency's determination that De Leon-Maldonado failed to establish a well-founded fear of future persecution in light of changed country conditions following the 1996 peace accords, *see Gonzalez-Hernandez v. Ashcroft*, 336 F.3d 995, 997-98 (9th Cir. 2003), and because De Leon-Maldonado's similarly-situated father remains in Guatemala unharmed, *see Hakeem v. INS*, 273 F.3d 812, 816 (9th Cir. 2001).

Accordingly, De Leon-Maldonado's asylum claim fails.

PETITION FOR REVIEW DENIED.