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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN ORTIZ-ORTIZ,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-73463

Agency No. A072-403-624

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.

Juan Ortiz-Ortiz, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of

* 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).

removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the BIA’s factual findings, *Lopez v. Ashcroft*, 366 F.3d 799, 802 (9th Cir. 2004), and we grant the petition for review.

Substantial evidence does not support the BIA’s conclusion that Ortiz-Ortiz failed to establish past persecution on account of a protected ground because his credible testimony and documentary evidence establish that he and his family were targeted by guerrillas because of their pro-government political opinion. *See Lopez v. Ashcroft*, 366 F.3d 799, 804 (9th Cir. 2004) (harm by guerrillas was punishment for alien’s pro-establishment political views).

Because Ortiz-Ortiz established a nexus to a protected ground, we remand to the BIA for further proceedings consistent with this disposition, *see INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam), taking into consideration Ortiz-Ortiz’s age at the time of the past harms, *see Hernandez-Ortiz v. Gonzales*, 496 F.3d 1042, 1045-46 (9th Cir. 2007).

PETITION FOR REVIEW GRANTED; REMANDED.