

JUL 06 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RICARDO DANILO CAMPOS-ARRUE,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
---

Nos. 06-74110  
09-70043

Agency No. A096-179-524

MEMORANDUM\*

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

Submitted June 29, 2010\*\*

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

In these consolidated cases, Ricardo Damilo Campos-Arrue, a native and citizen of El Salvador, 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 removal, and relief under the

---

\* 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).

Convention Against Torture (“CAT”) (No. 06-74410); and the BIA’s order denying his motion to reopen (No. 09-70043). We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), for substantial evidence factual findings, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and for abuse of discretion the denial of a motion to reopen, *see Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). We deny both petitions for review.

In petition no. 06-74410, substantial evidence supports the denial of asylum and withholding of removal because Campos-Arrue did not demonstrate he was or would be subjected to persecution by gang members on account of a protected ground. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482-83 (1992); *Ramos-Lopez v. Holder*, 563 F.3d 855, 860-62 (9th Cir. 2009) (holding that young Salvadoran men who are recruited by gangs and refuse to join is not a social group, and refusal to join gang is not a political opinion).

Substantial evidence supports the denial of CAT relief because Campos-Arrue did not present evidence that he likely will be tortured by or with the consent or acquiescence of Salvadoran government officials. *See Soriano v. Holder*, 569 F.3d 1162, 1167 (9th Cir. 2009).

In petition no. 09-70043, the BIA did not abuse its discretion in denying the motion to reopen because Campos-Arrue failed to show any prejudice resulting from the alleged ineffectiveness of his prior counsel. *See Rojas-Garcia v. Ashcroft*, 339 F.3d 814, 826 (9th Cir. 2003) (petitioner must demonstrate prejudice to prevail on an ineffective assistance of counsel claim).

**Case No. 06-74410: PETITION FOR REVIEW DENIED.**

**Case No. 09-70043: PETITION FOR REVIEW DENIED.**