

JUL 16 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>REINA ISABEL FUENTES- CHAVARRIA,</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. 08-73374

Agency No. A098-884-250

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.

Reina Isabel Fuentes-Chavarria, a native and citizen of Honduras, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) decision denying her application for asylum and

* 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, and we therefore deny Fuentes-Chavarria’s request for oral argument. *See* Fed. R. App. P. 34(a)(2).

withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review.

The IJ found that petitioner demonstrated that she was a member of a particular social group consisting of her husband's family. But, the IJ also found that petitioner failed to establish persecution on account of a protected ground because she did not demonstrate that she and the other members of her husband's family had a "shared, immutable characteristic." Because the IJ's two findings appear incompatible, we remand for clarification. *See Recinos De Leon v. Gonzales*, 400 F.3d 1185, 1194 (9th Cir. 2005) (remanding because "[w]e will not guess at the theory underlying the IJ's . . . opinion") (internal quotations omitted).

PETITION FOR REVIEW GRANTED; REMANDED.