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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ELMER RODOFO ALVARES RIVAS, aka Elmer Rodolfo Alvarez-Rivas,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 09-72373

Agency No. A099-465-462

MEMORANDUM*

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

Submitted September 13, 2010 **

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Elmer Rodolfo Alvares Rivas, a native and citizen of El Salvador, petitions for review of the decision of the Board of Immigration Appeals dismissing his

* 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).

appeal from the immigration judge’s denial of his applications for asylum and withholding of removal.

We reject Alvares Rivas’s claim that he is eligible for asylum based on his membership in a particular social group, namely public transportation drivers who resist gang extortion. *See Barrios v. Holder*, 581 F.3d 849, 854-56 (9th Cir. 2009) (rejecting as a particular social group “young males in Guatemala who are targeted for gang recruitment but refuse because they disagree with the gang’s criminal activities”); *Santos-Lemus v. Mukasey*, 542 F.3d 738, 745-46 (9th Cir. 2008) (rejecting as a social group “young men in El Salvador resisting gang violence”). We also reject Alvares Rivas’s asylum claim based on his anti-gang extortion political opinion. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482-84 (1992); *Barrios*, 581 F.3d at 854-56. Because Alvares Rivas failed to demonstrate that he was persecuted on account of a protected ground, we deny the petition as to his asylum and withholding of removal claims. *Id.* at 856.

PETITION FOR REVIEW DENIED.