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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RUBENIA DEL CARMEN BENAVIDES-SALAMONCA, aka Rubenia Benavides-Salamonca, aka Rubenia Del Carmen Benavides, aka Rubenia Del Carmen Garcia de Benavides,</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. 09-73166

Agency No. A072-714-150

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.

Rubenia Del Carmen Benavides-Salamonca, a native and citizen of El Salvador, petitions for review of the decision of the Board of Immigration Appeals

* 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).

dismissing her appeal from the immigration judge's denial of her applications for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT").

Benavides-Salamonca concedes that her asylum application was time-barred. We reject Benavides-Salamonca's claim that she is eligible for withholding of removal based on her membership in a particular social group, namely individuals who resist gang demands and report gang activities to the authorities. *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 individuals in El Salvador who resist gang violence). We also reject Benavides-Salamonca's withholding claim based on her imputed anti-gang political opinion. *See Santos-Lemus*, 542 F.3d at 747; *Molina-Morales v. INS*, 237 F.3d 1048, 1051-52 (9th Cir. 2001) (holding that persecution because of personal vendetta for reporting local official to police is not prosecution on account of imputed political opinion). Because Benavides-Salamonca failed to demonstrate that she was persecuted on account of a protected ground, we deny the petition as to her

withholding of removal claims. *Barrios v. Holder*, 581 F.3d 849, 856 (9th Cir. 2009).

Substantial evidence supports the agency's denial of CAT relief because Benavides-Salamonca failed to establish it is more likely than not that she will be tortured if she returns to El Salvador. *See Santos-Lemus*, 542 F.3d at 748.

PETITION FOR REVIEW DENIED.