

SEP 22 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JACINTO JUAN CARHUAZ  
RODRIGUEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-74048

Agency No. A099-340-903

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.

Jacinto Juan Carhuaz Rodriguez, native and citizen of Peru, petitions for review of a Board of Immigration Appeals' 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 relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence factual findings, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 (1992), and we deny the petition for review.

Carhuaz does not raise any arguments in his opening brief regarding the agency’s dispositive determination that his asylum claim was time-barred. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not supported by argument are deemed waived).

Substantial evidence supports the agency’s denial of withholding of removal because Carhuaz failed to demonstrate that an imputed political opinion was a central reason the Shining Path mistreated him in the past or would harm him in the future. *See Parussimova v. Mukasey*, 555 F.3d 734, 740-41 (9th Cir. 2009) (“The Real ID Act requires that a protected ground represent ‘one central reason’ for an asylum applicant’s persecution”); *Elias-Zacarias*, 502 U.S. at 483 (a petitioner must “establish that the record . . . compels the conclusion he has a ‘well-founded fear’ that the guerillas will persecute him *because of* that political opinion, rather than because of his refusal to fight with them”) (emphasis in original).

Substantial evidence also supports the agency's denial of CAT relief because Carhuaz has not established it is more likely than not he will be tortured by or with the acquiescence of the Peruvian government. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

**PETITION FOR REVIEW DENIED.**