

SEP 24 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SANTOS DOMINGO VICENTE-FUENTES,</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>
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No. 08-71144

Agency No. A097-103-158

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.

Santos Domingo Vicente-Fuentes, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for withholding of removal. We have jurisdiction under 8 U.S.C.

* 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).

§ 1252. We review de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), except to the extent that deference is owed to the BIA's determination of the governing statutes and regulations, *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We review for substantial evidence factual findings. *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992). We deny the petition.

Substantial evidence supports the BIA's finding that Vicente-Fuentes failed to establish eligibility for withholding of removal because he failed to establish past persecution or a clear probability of persecution in Guatemala on account of a protected ground. *See id.* at 482-84; *see also Arteaga v. Mukasey*, 511 F.3d 940, 944-46 (9th Cir. 2007) (rejecting petitioner's withholding of removal claim based on membership in a particular social group). Accordingly, Vicente-Fuentes's withholding of removal claim fails.

PETITION FOR REVIEW DENIED.