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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EDGAR ROLANDO MARROQUIN VELIZ,</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. 08-73380

Agency No. A070-940-153

MEMORANDUM*

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

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Edgar Rolando Marroquin Veliz, 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 protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8

* 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).

U.S.C. § 1252. We review for substantial evidence, *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008), and we deny the petition for review.

The BIA, applying the “willfull blindness” test of acquiescence, found Marroquin Veliz failed to establish “that he is more likely than not to be tortured by, or with the acquiescence of, anyone within governmental authority” upon return to Guatemala. Substantial evidence supports the BIA’s denial of CAT relief. *See Sinha v. Holder*, 564 F.3d 1015, 1026 (9th Cir. 2009); *Silaya*, 524 F.3d at 1070.

We reject Marroquin Veliz’s contention that the agency ignored the evidence of country conditions in the Country Report because he has not overcome the presumption that the agency reviewed the record. *See Fernandez v. Gonzalez*, 439 F.3d 592, 603 (9th Cir. 2006). We also reject Marroquin Veliz’s contention that the BIA engaged in improper factfinding, because it is belied by the record.

PETITION FOR REVIEW DENIED.