

NOV 24 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DAVID FAUSTINO REVOLORIO-MARROQUIN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 09-70993

Agency No. A098-429-022

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.

David Faustino Revolorio-Marroquin, 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 asylum and withholding of removal. 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. *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992). We deny the petition for review.

Revolorio-Marroquin contends gang members tried to extort payments from him and shot him on account of his religion. Substantial evidence supports the BIA's conclusion that Revolorio-Marroquin failed to establish gang members were motivated, even in part, by Revolorio-Marroquin's religion. *See id.* (“[t]o reverse the BIA finding we must find that the evidence not only supports that conclusion, but *compels* it”) (emphasis in original); *see also Borja v. INS*, 175 F.3d 732, 735-36 (explaining “extortion plus” is necessary to satisfy nexus requirement). Because he failed to demonstrate that the gang members were or would be interested in him on account of a protected ground, his asylum and withholding of removal claims fail.

PETITION FOR REVIEW DENIED.