

DEC 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ADA SARAI CALDERON-VILLALTA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 09-70801

Agency No. A098-799-372

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE and THOMAS, Circuit Judges.

Petitioner Ada Sarai Calderon-Villalta, a native and citizen of El Salvador, petitions pro se for review of a Board of Immigration Appeals order dismissing her appeal from an immigration judge’s decision denying her application for asylum, withholding of removal and protection under the Convention Against Torture

* 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).

(CAT). We have jurisdiction under 8 U.S.C. § 1252. We deny the petition for review.

Substantial evidence supports the Board's denial of asylum and withholding of removal because, despite her credible testimony, Calderon-Villalta failed to show her alleged persecutors threatened her on account of a protected ground. Calderon-Villalta is not a member of protected group merely because she witnessed a crime. *See id* at 745-46 (explaining that a group can lack requisite particularity of a protected social group if it is too all-encompassing to constitute a cohesive, homogeneous and socially visible group); *Molina-Morales v. INS*, 237 F.3d 1048, 1052 (9th Cir. 2001) (stating that personal retribution is not persecution on account of political opinion). Additionally, any persecution based on an actual or imputed anti-gang or anti-crime opinion is not on account of the protected ground of either membership in a particular social group or political opinion. *Ramos Barrios v. Holder*, 581 F.3d 849, 854-56 (9th Cir. 2009); *Santos-Lemus v. Mukasey*, 542 F.3d 738, 745-46 (9th Cir. 2008).

Substantial evidence also supports the Board's denial of CAT relief based on the Board's finding that Calderon-Villalta did not establish a likelihood of torture by, at the instigation of, or with the consent or acquiescence of the El Salvadoran government. *See Arteaga v. Mukasey*, 511 F.3d 940, 948-49 (9th Cir. 2007).

PETITION FOR REVIEW DENIED.