

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 27 2010

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

GEORGEN CESAR SOARES-
FERREIRA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-72136

Agency No. A098-718-474

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.

Georgen Cesar Soares-Ferreira, a native and citizen of Brazil, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006), and we deny the petition for review.

Substantial evidence supports the agency's determination that Soares-Ferreira did not establish past persecution based on the threats and discrimination he and other family members suffered when Soares-Ferreira was a teenager. *See Lim v. INS*, 224 F.3d 929, 936 (9th Cir. 2000); *Nagoulko v. INS*, 333 F.3d 1012, 1016-17 (9th Cir. 2003). We reject Soares-Ferreira's contention that the agency erred in failing to take into consideration Soares-Ferreira's age at the time these events occurred because the agency properly considered the harm to Soares-Ferreira's family and Soares-Ferreira's age at the time. *See Hernandez-Ortiz v. Gonzales*, 496 F.3d 1042, 1045-46 (9th Cir. 2002). A reasonable fact-finder would not be compelled to find that the hit-and-run accident Soares-Ferreira experienced was motivated by his political opinion or membership in the particular social group of his family. *See INS v. Elias-Zacarias*, 502 U.S. 478, 483-84 (1992).

Substantial evidence also supports the agency's determination that Soares-Ferreira failed to demonstrate a well-founded fear of persecution on account of a protected ground because it is too speculative he will be persecuted in Brazil. *See Nagoulko*, 333 F.3d at 1018 (record evidence did not show petitioner had

objectively reasonable basis for future fear). Accordingly, Soares-Ferreira's asylum claim fails.

Because Soares-Ferreira failed to establish eligibility for asylum, he necessarily failed to meet the more stringent standard for withholding of removal. *See Zehatye*, 453 F.3d at 1190.

Finally, substantial evidence supports the agency's denial of Soares-Ferreira's CAT claim because he failed to demonstrate it is more likely than not he will be tortured upon return to Brazil. *See Wakkary v. Holder*, 558 F.3d 1049, 1067-68 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.