

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FABIO CASTRO-PALOMO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72394

Agency No. A079-666-300

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Fabio Castro-Palomo, a native and citizen of Colombia, petitions for review of the Board of Immigration Appeals' 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. § 1252. We review for substantial evidence,

* 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).

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 finding that Castro-Palomo failed to establish he was or will be persecuted by guerillas on account of a protected ground. *See Ochave v. INS*, 254 F.3d 859, 865-66 (9th Cir. 2001) (“Asylum generally is not available to victims of civil strife....”); *Parussimova v. Mukasey*, 555 F.3d 734, 740-41 (9th Cir. 2009) (“[t]he Real ID Act requires that a protected ground represent ‘one central reason’ for an asylum applicant’s persecution”). Accordingly, his withholding of removal claim fails. *See Ochave*, 254 F.3d at 868.

We reject Castro-Palomo’s contentions that the agency violated his due process rights by failing to fully transcribe his merits hearing and issuing a boilerplate decision. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2006) (requiring error and substantial prejudice to prevail on a due process claim).

PETITION FOR REVIEW DENIED.