

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DOMINGO VELASQUEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72640

Agency No. A071-892-911

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 Domingo Velasquez, a native and citizen of Guatemala, petitions for review of a Board of Immigration Appeals order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding

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\* 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).

of removal.<sup>1</sup> 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 Velasquez failed to show that the guerillas' attempt to recruit him was on account of a protected ground. *See INS v. Elias-Zacarias*, 502 U.S. 478, 481-82 (1992); *see Ochave v. INS*, 254 F.3d 859, 865 (9th Cir. 2001) ("Asylum generally is not available to victims of civil strife, unless they are singled out on account of a protected ground.") Substantial evidence also supports the Board's determination that, even assuming Velasquez is a member of a cognizable social group comprised of K'anjobal Indians, he failed to establish a nexus. As the Board observed, there is no evidence in the record to establish he was targeted for this reason.

**PETITION FOR REVIEW DENIED.**

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<sup>1</sup> Velasquez does not challenge the denial of his application for protection under the Convention Against Torture.