

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RIGOBERTO MARTINEZ-ROMERO,
aka Rigoberto Martinez,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72780

Agency No. A029-168-480

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 Rigoberto Martinez-Romero, a native and citizen of El Salvador, petitions for review of a Board of Immigration Appeals order dismissing his appeal from an immigration judge’s (IJ) decision denying his application for withholding

* 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 and protection under the Convention Against Torture (CAT). Our jurisdiction is governed by 8 U.S.C. § 1252. We deny the petition for review.

Petitioner conceded at the hearing before the IJ that he was ineligible for asylum due to an admitted prior aggravated felony conviction. Because he elected not to pursue his asylum claim before the IJ, we do not address his asylum claim on appeal. *See* 8 U.S.C. § 1252(d)(1).

Substantial evidence supports the Board's denial of withholding of removal because Martinez-Romero failed to show his alleged persecutors threatened him on account of a protected ground. His fear of future 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). Likewise, perceived wealth is not a protected ground. *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1151-52 (9th Cir. 2010); *see Ochoa v. Gonzales*, 406 F.3d 1166, 1171 (9th Cir. 2005) (observing that recognizing major segments of population as a social group would be tantamount to extending refugee status to every alien displaced by general conditions of unrest or violence in home country); *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 denial of CAT relief based on the Board’s finding that Martinez-Romero 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.