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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

YELSON OTONIEL TORREZ-LUNA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-74032

Agency No. A099-535-387

MEMORANDUM*

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

Submitted December 14, 2010 **
San Francisco, California

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Yelson Otoniel Torrez-Luna, a native and citizen of Honduras, petitions for review of the decision of the Board of Immigration Appeals which dismissed his appeal from the immigration judge’s denial of his applications for asylum, withholding of removal, and relief 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).

We reject Torrez-Luna's claim that he is eligible for asylum based on his membership in a particular social group, namely young men who resist gang recruitment. *See Ramos-Lopez v. Holder*, 563 F.3d 855, 858-62 (9th Cir. 2009) (rejecting as a social group young Honduran men resisting gangs); *Santos-Lemus v. Mukasey*, 542 F.3d 738, 745-46 (9th Cir. 2008) (rejecting as a social group "young men in El Salvador resisting gang violence"). We also reject Torrez-Luna's claim that he is eligible for asylum based on his political opinion, namely his position that he is resistant to gangs. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482-84 (1992); *Barrios v. Holder*, 581 F.3d 849, 854-56 (9th Cir. 2009). Because Torrez-Luna failed to demonstrate that he was persecuted on account of a protected ground, we uphold the agency's denial of his asylum and withholding of removal claims. *Id.* at 856.

In addition, substantial evidence supports the agency's denial of CAT relief because Torrez-Luna failed to establish that it is more likely than not that he will be tortured at the acquiescence of the government if he returns to Honduras. *See Santos-Lemus*, 542 F.3d at 748.

PETITION FOR REVIEW DENIED.