

JAN 20 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERTO ANTONIO MARTINEZ-
MONZON,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-71170

Agency No. A098-654-511

MEMORANDUM*

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

Submitted January 10, 2011**
San Francisco, California

Before: BEEZER, TALLMAN and CALLAHAN, Circuit Judges.

Roberto Antonio Martinez-Monzon, a native and citizen of El Salvador,
petitions for review of the decision of the Board of Immigration Appeals which

* 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).

dismissed his appeal from the immigration judge's denial of his application for asylum and relief under the Convention Against Torture.

We reject claim Martinez-Monzon's claim that he is eligible for asylum based on his membership in a particular social group, namely, victims of gang violence by gangs that the government cannot control. *See 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."). In addition, substantial evidence supports the agency's denial of CAT relief because Martinez-Monzon 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 El Salvador. *See id.* at 748.

We reject Martinez-Monzon's due process contention regarding the BIA's issuance of a streamlined decision because a review of the record reveals that the BIA did not issue a streamlined decision.

PETITION FOR REVIEW DENIED.