

JAN 24 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROSA MARGARITA GARCIA ZANA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72641

Agency No. A073-124-819

MEMORANDUM*

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

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges

Rosa Margarita Garcia Zana, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from the immigration judge's decision denying her application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings, *Santos-Lemus v. Mukasey*, 542 F.3d 738, 742 (9th Cir. 2008), and deny the petition for review.

Substantial evidence supports the BIA's finding that "no incidents" of persecution occurred to Garcia Zana in El Salvador. *See Nagoulko v. INS*, 333 F.3d 1012, 1016 (9th Cir. 2003); *see also Wakkary v. Holder*, 558 F.3d 1049, 1060 (9th Cir. 2009) (no past persecution where harm to friends was not a part of "a pattern of persecution closely tied to" petitioner) (internal citation and quotation omitted). Substantial evidence also supports the BIA's finding that Garcia Zana failed to establish that she will be targeted on account of a protected ground. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482-84 (2002); *Santos-Lemus*, 542 F.3d at 745-46.

Because Garcia Zana failed to establish her eligibility for asylum, she necessarily fails to meet the higher standard of eligibility for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

Finally, substantial evidence supports the agency's denial of CAT relief because Garcia Zana failed to establish it is more likely than not she will be tortured by or with the acquiescence of a government official if returned to El Salvador. *See Arteaga v. Mukasey*, 511 F.3d 940, 948-49 (9th Cir. 2007).

PETITION FOR REVIEW DENIED.