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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CARL LOUISE BARRIENTOS CUENCA,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 05-76665

Agency No. A079-367-032

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.

Carl Louise Barrientos Cuenca, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252.

* 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 review for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), and deny the petition for review.

Cuenca does not raise any challenge to the IJ's dispositive determination that his asylum application is time-barred. Accordingly, Cuenca's asylum claim fails.

Cuenca did not allege he experienced any past persecution or other mistreatment in the Philippines, but contends he fears future persecution because he is "Americanized." Substantial evidence supports the IJ's denial of withholding of removal because Cuenca failed to demonstrate a clear probability of persecution on account of any protected ground. *See Hoxha v. Ashcroft*, 319 F.3d 1179, 1184-85 (9th Cir. 2003). In addition, the record does not compel the conclusion that Cuenca established a pattern or practice of persecution of Americanized Filipinos in the Philippines. *See Wakkary v. Holder*, 558 F.3d 1049, 1060-62 (9th Cir. 2009). Accordingly, Cuenca's withholding of removal claim fails.

PETITION FOR REVIEW DENIED.