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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>YA ZHOU MA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-72320

Agency No. A076-362-885

MEMORANDUM*

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

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges

Ya Zhou Ma, a native and citizen of China, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from the immigration judge's decision denying his application for asylum. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings, and

* 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).

review its legal conclusions de novo. *Santos-Lemus v. Mukasey*, 542 F.3d 738, 742 (9th Cir. 2008). We deny the petition for review.

The record does not compel the conclusion that Ma experienced harm that rose to the level of persecution. *See Gu v. Gonzales*, 454 F.3d 1014, 1019-21 (9th Cir. 2006) (brief detention, beating and interrogation did not compel a finding of past persecution by Chinese police on account of unsanctioned religious practice); *Al-Saher v. INS*, 268 F.3d 1143, 1146 (detention of five to six days where respondent was not beaten does not amount to persecution). The record also does not compel the conclusion that Ma was or would be targeted on account of his political opinion or religion. *See Elias-Zacarias*, 502 U.S. 478, 483-84 (9th Cir. 1992) (although direct proof of a persecutor's motives is not necessary, an applicant must provide some evidence that she was or would be persecuted because of a protected ground). Accordingly, substantial evidence supports the agency's denial of the asylum claim because Ma failed to establish he was or would be persecuted on account of a protected ground. *Id.* at 481 n.1 (to reverse the agency's finding "we must find that the evidence not only *supports* that conclusion, but *compels* it") (emphasis in original).

PETITION FOR REVIEW DENIED.