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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GERARDO ANTONIO FUENTES,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72557

Agency No. A088-735-504

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.

Gerardo Antonio Fuentes, a native and citizen of Honduras, petitions pro se for review of the decision of the Board of Immigration Appeals denying his applications for 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).

Fuentes contends that he was persecuted by street gangs when he refused to join their organization, and alleges that the gangs are still actively looking for him. Substantial evidence supports the BIA's finding that the beatings and harassment that Fuentes received from gang members seeking to recruit him did not establish past persecution on account of a protected ground, or a well-founded fear of future persecution. *See Ramos-Lopez v. Holder*, 563 F.3d 855, 858 (9th Cir. 2009) (holding that young men who resist gang recruitment do not constitute a particular social group, and refusal to join a gang does not amount to a political opinion).

Substantial evidence also supports the BIA's denial of CAT relief because Fuentes has not established it is more likely than not that he will be tortured by or with the acquiescence of the Honduran government. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

PETITION FOR REVIEW DENIED.