

MAR 14 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALEYDA YANETH BARRIENTOS-SORTO; OSCAR SAMUEL BARRIENTOS-SORTO,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 10-70281

Agency Nos. A094-789-716
A094-789-717

MEMORANDUM*

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

Submitted March 8, 2011**

Before: FARRIS, O’SCANNLAIN and BYBEE, Circuit Judges.

Aleyda Barrientos-Sorto and Oscar Barrientos-Sorto, natives and citizens of El Salvador, petition for review of the Board of Immigration Appeals’ (“BIA”)

* 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).

order dismissing their appeal from an immigration judge’s decision denying their applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), except to the extent that deference is owed to the BIA’s determination of the governing statutes and regulations, *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We review for substantial evidence factual findings. *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir. 2006). We deny the petition for review.

Petitioners contend they suffered past persecution and have a well-founded fear of future persecution by gangs in El Salvador. Substantial evidence supports the agency’s finding that they failed to show past persecution or a well-founded fear of future persecution on account of a protected ground. *See INS v. Elias-Zacarias*, 502 U.S. 478, 481 & n.1 (1992); *Parussimova v. Mukasey*, 555 F.3d 734, 740-41 (9th Cir. 2009) (“[t]he Real ID Act requires that a protected ground represent ‘one central reason’ for an asylum applicant’s persecution”). Accordingly, petitioners’ asylum claims fail.

Because petitioners failed to meet the lower burden of proof for asylum, their claims for withholding of removal necessarily fail. *See Zehatye*, 453 F.3d at 1190.

Finally, substantial evidence supports the BIA's determination that petitioners are not entitled to CAT relief because they failed to demonstrate it is more likely than not that they will be tortured by or with the acquiescence of the El Salvadorean government if they return to El Salvador. *See Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008).

PETITION FOR REVIEW DENIED.