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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>THANT CHIT MIN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-71454

Agency No. A097-356-406

MEMORANDUM*

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

Submitted March 8, 2011**

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

Thant Chit Min, a native and citizen of Myanmar (formerly known as Burma), petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from the immigration judge’s decision denying his application for asylum, withholding of removal, and protection under the

* 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).

Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Gu v. Gonzales*, 454 F.3d 1014, 1018-19 (9th Cir. 2006), and we deny the petition for review.

The record does not compel the conclusion that Min suffered past persecution based on being detained once, hit five times, and told to cease his activities. *See id.* at 1020-21 (petitioner did not establish past persecution where the petitioner was arrested and detained for three days, interrogated, and struck with a rod ten times). Further, the record does not compel the conclusion that Min demonstrated a well-founded fear of future persecution in Burma. *See id.* at 1021-22. Accordingly, Min’s asylum claim fails.

Because Min failed to establish eligibility for asylum, he necessarily failed to meet the more stringent standard 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 Min failed to establish it is more likely than not he will be tortured if returned to Burma. *See Singh v. Gonzales*, 439 F.3d 1100, 1113 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.