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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NORMA SILVA-GARCIA, a.k.a. Priya
Chuwdry,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71997

Agency No. A077-318-938

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.

Norma Silva-Garcia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s decision denying her application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have

* 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).

jurisdiction under 8 U.S.C. § 1252. 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.

Silva-Garcia contends that Muslims are persecuted in Mexico and that she has a well-founded fear of persecution due to her conversion to Islam, her marriage to a Muslim, and her use of a head covering. Substantial evidence supports the agency's determination that Silva-Garcia failed to establish a well-founded fear of persecution because she failed to establish an objective basis for fearing harm in Mexico. *See Cuadras v. INS*, 910 F.2d 567, 571 (9th Cir. 1990); *Wakkary v. Holder*, 558 F.3d 1049, 1060-62 (9th Cir. 2009) (record did not compel a finding of a pattern or practice of persecution). Accordingly, we reject her asylum claim.

Because Silva-Garcia failed to meet the lower standard of proof for asylum, her claim for withholding of removal necessarily fails. *See Zehatye*, 453 F.3d at 1190.

Finally, substantial evidence supports the agency's denial of CAT relief because Silva-Garcia failed to establish it is more likely than not she would be tortured if removed to Mexico. *See Wakkary v. Holder*, 558 F.3d 1049, 1067-68 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.